



Planning Inspectorate
Arolygiaeth Gynllunio

SCOPING OPINION:

Proposed South Brooks Solar Farm

Case Reference: EN0110027

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

18 December 2025

TABLE OF CONTENTS

1.	INTRODUCTION.....	1
2.	OVERARCHING COMMENTS.....	3
2.1	Description of the Proposed Development	3
2.2	EIA Methodology and Scope of Assessment	9
3.	ENVIRONMENTAL ASPECT COMMENTS.....	13
3.1	Biodiversity	13
3.2	Hydrology	20
3.3	Agricultural Soils	26
3.4	Archaeology	29
3.5	Built Heritage	33
3.6	Landscape and Visual	35
3.7	Transport and Access	39
3.8	Carbon and Climate Change	42
3.9	Noise and Vibration	44
3.10	Human Health	47
3.11	Socio-economics	52
3.12	Air Quality	59
3.13	Land and Groundwater.....	63
3.14	Environmental Topics Scoped Out.....	68
 APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED		
 APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES		

1. INTRODUCTION

1.0.1 On 11 November 2025, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from Blue Planet Solar Limited (the applicant) under regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed South Brooks Solar Farm (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:

<https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110027-000002-South%20Brooks%20Solar%20Farm%20Scoping%20Report%20Volume%201%20-%20Main%20Report.pdf>

<https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110027-000003-South%20Brooks%20Solar%20Farm%20Scoping%20Report%20Volume%202%20-%20Appendices.pdf>

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'](#)

- 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 3)

ID	Ref	Description	Inspectorate's comments
21.1	n/a	Cable route corridor	Throughout the Scoping Report, it is unclear whether matters proposed to be scoped out relate to the site boundary as defined as parcels A to F in figure 2.1, or the whole of the red line boundary. For clarity, unless otherwise stated, the matters in this Scoping Opinion that are agreed to be scoped out only relate to the elements identified in the red line boundary i.e. parcels A to F and not the cable route corridor.
212	Paragraph 3.3.36 and 3.3.52	Works to facilitate vehicular access to the site boundary	Scoping Report paragraph 3.3.36 states that the access route options are not currently provided. Scoping Report paragraph 3.3.52 states that construction and decommissioning accesses are not included in the scope of the Scoping Report. Any reference to scoping matters in/out in this Scoping Opinion do not relate to the access routes, including access routes during operation. The ES should identify the locations of all access routes, including for the cable route corridor, where required and describe any associated works during construction, operation and decommissioning. The ES should clearly establish the scope for the access routes and explain the methodology for determining the scope. Where relevant, any evidence of agreement with consultation bodies should be used to support the scope of assessments.
213	Figures 2.0 and 2.1, Paragraph 2.1.2	Baseline characterisation	Scoping Report paragraph 3.3.1 refers to the site boundary as parcels A to F of the proposed development site. This excludes the cable route search area identified on figure 2.1. The baselines throughout the Scoping Report are characterised for the site boundary area and exclude the cable route search area. Baselines presented in the ES should be characterised for the entirety of the proposed development and red line boundary. The

ID	Ref	Description	Inspectorate's comments
			methodology for characterising the baseline should be explained, and agreement should be sought on the approach with the relevant consultation bodies.
214	Figure 2.1	Parcel A	The Inspectorate notes that there are two parcels of land named 'Parcel A' on the Scoping Report figures. It is currently assumed that when the Scoping Report refers to 'Parcel A' it is referring to both sites, however, the ES should explain why two parcels are considered as one and ensure that there is clarity around which areas of land are being referred to throughout the ES.
215	Paragraph 3.3.1	Potential changes in red line boundary after scoping	Scoping Report paragraph 3.3.1 states that the proposed development site may be 'subject to change' as the design and EIA progress, and that figure 2.0 represents the 'current' land which could form the proposed development. It is not clear if this refers to the refinement of the red line boundary within the current boundary or the potential to extend the red line boundary after scoping. If the red line boundary extends beyond the red line boundary presented in figure 2.0 then the applicant should consider whether all the comments in the Scoping Opinion remain applicable or whether this represents a materially different project. The Inspectorate expects that at the point an application is made, the description of the proposed development will be sufficiently detailed to include the design, size, capacity, technology, and locations of its different elements. Where details are not yet known, the assumptions applied to the impact assessment in relation to these aspects should also be set out. 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. The applicant should nevertheless make every attempt to narrow the range of options within the ES, explain clearly which elements of the proposed development have yet to be finalised and provide the reasons. At the time of application, any proposed development parameters should not be so wide-ranging as to represent effectively different developments. It should be noted that if the proposed development materially changes

ID	Ref	Description	Inspectorate's comments
			prior to submission of the Development Consent Order (DCO) application, the applicant may wish to consider requesting a new Scoping Opinion.
21.6	Appendix E	Figures and maps	Maps and figures are supplied in appendix E but in many cases lack clear background mapping, labels or place names for reference. Any maps and plans provided in the ES should include a red line boundary for the proposed development and any associated development.
21.7	Appendix D	Illustrative masterplan	This is presented in Scoping Report appendix D. The Illustrative Masterplan does not include the entirety of the proposed development site. The ES should include the whole site in any illustrative masterplans and plans identifying the proposed development as a whole. This should include all array areas, mitigation areas and cable routes.
21.8	Paragraph 3.3.8	PV table foundations	A number of potential installation mechanisms for the solar PV table foundations are proposed in Scoping Report paragraph 3.3.8. The ES should assess any associated likely significant effects (LSE) related to the proposed mechanisms and explain why the proposed installation is the most feasible option, commenting on ground conditions and potential LSE.
21.9	Paragraph 3.3.30	Interconnecting cable routes	The Inspectorate notes that Scoping Report paragraph 3.3.30 does not include the interconnecting cable routes in the scope of the proposed development and any reference to scoping matters in/out in this Scoping Opinion do not relate to the interconnecting cable routes. The ES should clearly establish the scope for the interconnecting cable routes and explain the methodology for determining the scope as well as a detailed description of the cabling and routing including (where relevant) associated construction, operation and decommissioning methods, activities and timeframes. Where relevant, any evidence of agreement with consultation bodies should be used to support the scope of assessments.
21.10	Paragraph 3.3.4	Drilling fluid breakout plan	Horizontal Directional Drilling (HDD) is proposed as an option for watercourse crossings. Where HDD is employed, the ES should be accompanied by a drilling fluid breakout plan

ID	Ref	Description	Inspectorate's comments
			which should provide detail on how any accidental spillages would be managed. Any potential likely significant effect (LSE) to hydrological or groundwater receptors should be assessed in the ES.
21.11	Chapter 3	Location of proposed development elements	Scoping Report chapter 3 does not indicate where some elements of the proposed development would be located within the proposed development red line boundary, for example, Battery Energy Storage System (BESS), construction compounds, office buildings, substation etc. The ES should clearly identify the locations of each element of the proposed development and justify their locations in relation to feasibility and minimising environmental impacts and effects.
21.12	Paragraph 3.3.47	Timeframes	Scoping Report paragraph 3.3.47 states that the year of connection is 2031 however, the anticipated construction and operation start years are not indicated. The ES should identify the anticipated construction, operation and decommissioning years and timelines.
21.13	Paragraph 3.3.48	Construction compounds	The Scoping Report does not identify how many construction compounds would be required and whether they would be temporary or permanent. The ES should identify the locations, number and duration of construction compounds and assess any associated LSE.
21.14	Paragraph 3.6.1	Opportunities for collaboration	Scoping Report paragraph 3.6.1 identifies potential opportunity to collaborate with two other identified NSIPs in the local vicinity of the proposed development. The applicant should ensure that, where collaboration occurs on matters such as traffic management, any mitigation measures intended to be relied upon are properly secured, and the securing mechanism should be explained in the ES.
21.15	Paragraph 5.8.4	Replacement of infrastructure	Replacement of infrastructure is referred to in Scoping Report paragraph 5.8.4. The anticipated replacement rate is not discussed in the Scoping Report. The ES should include parameters for the extent and allowance for replacement of infrastructure and

ID	Ref	Description	Inspectorate's comments
			explain how these are secured, and assess any associated LSE, for example, LSE from waste.
21.16	Section 5	Alternatives	The Scoping Report does not discuss how alternatives would be addressed in terms of site selection and refinement of design. The Inspectorate notes matters, including but not limited to, the location of the BESS, concrete foundations, construction compounds remain under consideration which could result in different significant effects. The Inspectorate considers therefore that the presentation of alternatives within the ES should also explain the main reasons for the selection of alternatives within the proposed development, including a comparison of environmental effects.
21.17	Paragraph 6.3.42	Cabling	The Scoping Report states that cabling may be either overhead lines or underground lines and the working method is yet to be finalised. The ES should set out which method is proposed and explain how environmental constraints informed the design choice in line with the mitigation hierarchy.
21.18	Paragraph 8.5.11	Soil stockpiles	The agricultural land chapter identifies that segregated soil stockpiles would continue to be managed during the operational phase of the proposed development. The ES should identify the locations, parameters, capacity and materials that would be stored during the operational phase and the proposed approach to any removal during the decommissioning phase. Where significant effects are likely to occur as a result of soil stockpiles, these should be assessed in the ES.
21.19	n/a	Land management	The ES should establish how the land is proposed to be managed underneath the solar panels and explain how this would be implemented and secured.
21.20	n/a	Commitments	The Scoping Report refers to general commitments throughout, for example, in the traffic and transport chapter, avoiding existing traffic issues on surrounding roads, an Abnormal Indivisible Loads (AIL) convoy plan, Road Safety Audits and a route survey report, which do not appear in the draft commitments register provided.

ID	Ref	Description	Inspectorate's comments
			Should a commitments register be submitted with the application, the Inspectorate considers that all relevant commitments should be included for clarity.
2121	Paragraph 17.4.5	Lydd Airport expansions	The Inspectorate notes the comment from Folkestone and Hythe District Council that there are extant permissions at Lydd Airport which could influence a number of ES assessments such as traffic and transport, glint and glare and air quality. The ES should address all relevant cumulative effects which may arise from the extant permissions and the implications for future baselines defined in the ES.
2122	Section 4.6 and paragraph 4.6.3	Extent of peat deposits	The Inspectorate notes reference to peat in Scoping Report chapter 8, and National Policy Statement EN-3 (2024) requirements to developments proposed on peat. The extent of any peat deposits should be identified within the ES baseline and considered in the relevant aspect assessments, where significant effects are likely to occur The assessment of alternatives in the ES should therefore demonstrate, where relevant, the presence of peat, where this is identified and considered likely to give rise to significant effects.

2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 5)

ID	Ref	Description	Inspectorate's comments
221	Paragraph 5.9.7	Definition of terms	Scoping Report paragraph 5.9.7 identifies the terms that would define significant effects including short- medium- and long-term and permanent and temporary. The ES should clearly define what time duration defines these terms and how they influence the assessment of LSE throughout the ES in respective chapters.
222	Paragraphs 5.9.8, 5.10.8 and 5.10.9	Assessment of Cumulative effects	The description of the cumulative effects methodology is inconsistent throughout the Scoping Report; paragraph 5.9.8 states that a separate ES chapter is proposed (although there is not a separate cumulative effects chapter presented in the Scoping Report), whereas paragraphs 5.10.8 and 5.10.9 state cumulative effects will be assessed in each topic chapter of the ES. Additionally, there is no methodology explaining how intra and inter cumulative effects will be assessed. The ES should confirm and set out a clear methodology of how both inter and intra cumulative effects are assessed. The applicant should seek agreement on the approach with the relevant consultation bodies.
223	Section 5.10	Determination of cumulative schemes	Scoping Report section 5.10 sets out the proposed approach to the cumulative assessment which is cited to align with guidance on Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment. However, under the list of project types to be included in paragraph 5.10.4, this does not reflect the tiers set out in the guidance. The ES should ensure that all projects that align with the tiers are taken into consideration when agreeing the long and short lists of cumulative developments to be assessed. The applicant should seek agreement with the relevant local planning authorities (LPAs) on the list of cumulative developments to be included in the assessment.

ID	Ref	Description	Inspectorate's comments
224	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". The applicant should ensure that assessments take account of updated data sets as these become available through the Department for Environment, Food and Rural Affairs (DEFRA) Data Services Platform. Where relevant, the applicant is encouraged to liaise with the EA to determine the implications for project design and the scope of assessments.
225	Section 5.11	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 extent, magnitude, probability, duration, frequency and reversibility of the impacts. 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. Note: The SoS' duty under regulation 32 of the 2017 EIA Regulations continues throughout the application process. 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.
226	Section 5.12	Methodology for determining the scope of matters	The accesses and interconnecting cables are not included in the Scoping Report. The ES content is set out in section 5.12 of the Scoping Report however, the methodology does not refer to definition of the scope of matters not included in the Scoping Report.

ID	Ref	Description	Inspectorate's comments
		not included in the Scoping Report	The ES should include a section setting out the methodology for determining the scope of matters, such as the interconnecting cables, excluded from the Scoping Report but assessed in the ES.
227	Section 5.12	Structure of the ES	Section 5.12 sets out what the ES would include in line with Schedule 4 of the EIA Regulations. However, the wording does not reflect Schedule 4 of the Regulations. For example, the Scoping Report explains that an outline of alternatives would be provided with the main reasons for the design of the proposed development taking into account the environmental effects. However, the wording of the Regulations require that the indication of the main reasons for selecting the chosen option should include a comparison of the environmental effects. For clarity, the ES should reflect the requirements of Part 1 of Schedule 4 of the EIA Regulations 2017. This should include any matters omitted in section 5.12 of the Scoping Report which are included in Schedule 4 of the EIA Regulations 2017. For example, a description of the measures envisaged to avoid, prevent, reduce or offset identified significant effects and any proposed monitoring arrangements, a reference list etc. The applicant is also directed to ensure that sections on mitigation measures addresses any additional mitigation measures required as well as those proposed as embedded mitigation. Where this relies upon documents to be supplied within the wider DCO application (such as the proposed Construction Environmental Management Plan (CEMP)) appropriate cross references should be provided and it should be possible to refer easily to mitigation measures required as part of the assessment of effects. The Inspectorate also considers that the ES should contain sections on the consultation feedback received and the response to matters raised, including those within the most recent Scoping Opinion. The Inspectorate recommends that this information is supplied in tabulated format in each chapter of the ES (including project description and methodology chapters where relevant comments have been raised).
228	n/a	Decommissioning	The potential LSE scoped into the assessment in Scoping Report paragraph 6.6.4 omit decommissioning from a number of impacts. For example, increases in noise and vibration

ID	Ref	Description	Inspectorate's comments
			and human presence and changes in ground water and surface water levels and movement. The Scoping Report does not explain why assessment at decommissioning is omitted from these impacts when they are likely to occur. The ES should clearly set out how decommissioning will be assessed and for which aspects/impacts/effects. Where the decommissioning phase is not assessed, the ES should justify why and explain how this would be addressed in the future to report on and avoid/ reduce LSE.

3. ENVIRONMENTAL ASPECT COMMENTS

3.1 Biodiversity

(Scoping Report Section 6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.1	Paragraph 6.6.2	Plant and traffic emissions to designated and non-designated sites during construction	The Scoping Report states that emissions within and adjacent to the site boundary would be negligible on the basis the effects would be of short duration, and the sites and features would quickly recover. The Scoping Report does not identify the anticipated number of traffic movements, where they are likely to route and over what period. There is no evidence presented to support that sites/features would also 'quickly recover' where there could be an impact. On this basis and 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 an LSE.
3.1.2	Paragraph 6.6.2	Plant and traffic emissions to designated and non-designated sites during operation	During operation, the maximum amount of traffic movements is anticipated to be no greater than 'several light van journeys per day'. On the basis this is confirmed in the ES to be below the threshold for potential LSE in line with relevant guidance, the Inspectorate agrees to scope this matter out.
3.1.3	Paragraph 6.6.3	Electro-magnetic field (EMF) impacts from cables causing disturbance to	The Scoping Report states that EMFs from cables would be no different to other cables across the country. This omits any consideration of assessed impacts and subsequent mitigation employed for other cables.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		species during operation	No reference is made to potential thresholds for effects or the response from receptors to EMF impacts. Additionally, a number of elements, including the depth of the cable, the voltage of the cables and the habitats across which the cables will cross, are not identified and the area the cable is likely to cross is not quantified. Scoping Report paragraph 3.3.34 identifies that there would be high voltage cables up to 400kV constructed as part of the proposed development. On this basis, and 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 an LSE.
3.14	Paragraph 6.6.3	Impacts from cables causing soil heating and altering habitats during operation	Heating of the soil is anticipated to occur over a small area with estimates of changes in temperature only occurring in 1 to 1.5 meters depth from the location of the cable. However, a number of elements including the depth of the cable, the voltage of the cables and the habitats across which the cables will cross are not identified and the area the cable is likely to cross is not quantified. On this basis and 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 an LSE.
3.15	Paragraph 6.3.3	Dormouse and white clawed crayfish	These species are not discussed in Scoping Report although potential habitat is located within the proposed development boundary i.e. hedgerows and watercourses. 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

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			matters or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of an LSE.
3.16	Paragraphs 6.3.3 and 6.3.15	Reptiles	Scoping Report paragraph 6.3.15 states that reptile surveys would not be undertaken and reptiles are not scoped into the assessment (as per paragraph 6.4.15) on the basis that although reptiles may be present within some areas of the red line boundary, solar development can be sympathetic to reptiles and any development within habitats suitable for reptiles would be in line with best practice to avoid potential effects. It is not explained how this would be achieved and what measures would be employed to avoid potential effects. 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 an LSE.

ID	Ref	Description	Inspectorate's comments
3.17	Scoping Report Volume 2	Figures – identification of receptor locations	Some receptors, for example local wildlife sites and watercourses, are not identified on figures and it is not clear where they are located in relation to the proposed development. The ES should provide figures locating receptors in relation to the proposed development to provide context to the ES discussion.
3.18	Scoping Report Volume 2	Figures – study area	Whilst the study areas are defined in Scoping Report table 6.1, these are not illustrated on a figure. The ES should identify the study areas on a figure to identify the extents of the zone of influence.

ID	Ref	Description	Inspectorate's comments
3.1.9	Paragraph 6.3.7	'Additional impacted species'	Scoping Report paragraph 6.3.7 states that '<i>Where surveys have identified potential important receptors such as Schedule 1 listed breeding birds, further consideration would be given to additional impacted species</i>'. It is not clear what is meant by this. The ES should clarify the approach to identifying receptors and seek agreement on the approach to assessment with relevant consultation bodies.
3.1.10	Paragraph 6.3.11	Badger surveys	Scoping Report paragraph 6.3.11 identifies that badger surveys were undertaken in the summer months and this was considered 'acceptable' on the basis that there is minimal obscuring by vegetation due to the open nature of the landscape. The ES should clarify whether this position is agreed with consultation bodies or supported by relevant guidance, as the context for considering this 'acceptable' is unclear and therefore its validity is uncertain.
3.1.11	Paragraph 6.3.36	Overlap with designated sites	There is potential for the proposed development to overlap with multiple designated sites with the Scoping Report stating that 'each designation would be considered appropriately in-line with best practice guidelines'. It is unclear what is meant by this. The ES should provide a clear explanation of the methodology for assessment to determine LSE on designated sites. The ES should also explain how the mitigation hierarchy has been applied to appropriately site the proposed development infrastructure to reduce/avoid LSE, accounting for feasibility of the proposed developments construction and operation.
3.1.12	Paragraph 6.3.56	Surveys	Scoping Report paragraph 6.3.56 identifies that the approach to fish surveys would be discussed with consultation bodies to agree an appropriate level of survey effort. Such discussion and agreement should not be restricted to fish surveys and should apply to all ecological surveys proposed to inform the ES. The ES should explain the approach to the surveys undertaken, setting out the survey methodologies, timings and durations.

ID	Ref	Description	Inspectorate's comments
3.1.13	Paragraph 6.4.4	Future baseline – agricultural practice	Scoping Report paragraph 6.4.4 states that common and widespread species are likely to decline in the predicted future baseline of the proposed development site as a result of intensive farming practices. The farming practices used on site are not explained and paragraph 6.4.6 states that some land parcels within and close to the site boundary support agri-environmental schemes which are working well. On this basis, the Inspectorate considers that there is limited evidence to support that species existing on site would decline. The ES should provide supporting evidence to justify the future ecological baseline.
3.1.14	Paragraph 6.4.5	Future baseline – climate change	Scoping Report paragraph 6.4.5 states that climate change has potential to impact the resilience of habitats and species but is unlikely to impact the site due to the current intensive nature of the land management. It is unclear how this approach deals with the potential for changes from increased risk from tidal flooding and wave action related to climate change. The ES should use up-to-date climate change projections and consider potential climate change impacts against species and habitat resilience to support the description of the future ecological baseline.
3.1.15	Paragraphs 6.4.15 and 6.8.10	Functionally linked land and assessment of designated sites	The Scoping Report uses terminology for EIA and Habitats Regulations Assessment (HRA) interchangeably and it is unclear whether it is referring to an EIA assessment or HRA assessment in its proposals. For example, the Scoping Report proposes that the ecological features requiring assessment in the ES includes potentially functionally linked land in paragraph 6.4.15, yet this is required to be assessed under the HRA Regulations. Additionally, Scoping Report paragraph 6.8.10 states that all designated sites would be assessed under the HRA Regulations for the potential effects on integrity. However, only European designated sites are required to be assessed under the HRA Regulations for adverse effects on integrity; all designated sites should be considered in the EIA in line with a methodology for identifying LSE rather than effects on integrity.

ID	Ref	Description	Inspectorate's comments
			For clarity, the ES should assess potential LSE to ecologically sensitive receptors within the zone of influence (ZOI). The assessment undertaken in line with the Conservation of Habitats and Species Regulations (HRA) 2017 should be provided separately.
3.1.16	Paragraph 6.5.1	Environmental measures	Scoping Report paragraph 6.5.1 states that 'the following environmental measures would be implemented and included within the proposed development'. However, no environmental measures are then discussed or listed. The ES should set out how the mitigation hierarchy has been applied and identify which measures are embedded into the design of the proposed development and which are additional to reduce potential impacts and effects, and to what extent.
3.1.17	Paragraph 6.6.4	Air quality impacts	Scoping Report paragraph 6.6.4 does not include potential impacts from changes in air quality. The air quality chapter does not refer to ecological receptors in the proposed assessment in section 17 of the Scoping Report. The ES should assess potential significant effects on ecological receptors from air quality changes where they are likely to occur.
3.1.18	n/a	Sensitive environmental information	Under Regulation 12(5)(g) of the Environmental Information Regulations 2004 (EIR), public bodies have a responsibility to avoid releasing sensitive environmental information that could bring about harm to sensitive or vulnerable ecological features. Sections of the ES containing specific survey and assessment data relating to the location of sensitive species (e.g., badgers, rare birds, and plants) or other vulnerable environmental features should be provided in separate annexes by the applicant. This approach reduces the sensitive ecological feature's risk of disturbance, damage, persecution, or commercial exploitation arising from publication. The applicant's approach should be proportionate and only use these separate annexes for species where there is a genuine risk of harm.

ID	Ref	Description	Inspectorate's comments
			All other assessment information should be included in an ES chapter, with a placeholder providing a justification as to why annexes have been withheld and that a full version of the ES has been submitted to the Inspectorate.

3.2 Hydrology

(Scoping Report Section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
321	Table 7.5	Fluvial flood risk during all phases	The Inspectorate does not agree to scope out impacts from fluvial flood risk as it considers that not enough evidence has been provided; Scoping Report paragraph 7.6.16 identifies that there are flood defences along waterbodies within the proposed development red line boundary suggesting flooding occurs. Additionally, whilst the EA modelling may focus on tidal flood risk, this does not explicitly indicate that there is no risk from fluvial flooding as suggested, and the site is located within flood risk zones 2 and 3 as per paragraph 7.6.23, table 7.1 and figure 7.5. 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 an LSE.
322	Table 7.5 and figure 7.11	Pluvial flood risk during all phases	Pluvial flooding is proposed to be scoped out in table 7.5 on the basis that the majority of the proposed development is located within an area at a very low risk of flooding from surface water. However, table 7.6 proposes to scope flooding from surface water into the ES. Scoping Report paragraph 7.6.32 states that climate change projections for pluvial flooding are taken into account up to the 2060 scenario. The operation of the proposed development is for 60 years and therefore this does not take account of the lifetime of the proposed development. 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

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			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 an LSE.
323	Table 7.5 and figure 7.11	Reservoir flood risk during all phases	The Inspectorate notes that the maximum extent of reservoir flooding identified on figure 7.11 does not overlap with the proposed development site. On the basis the ES demonstrates reservoir flood extents do not overlap with the proposed development infrastructure in full i.e. including all cable routes, the Inspectorate agrees that this matter can be scoped out.
324	Table 7.5	Changes to flood risk associated with cabling during operation	This is scoped out on the basis that, if buried, cables are not anticipated to impact flood risk and, if overhead, flood risk would remain unaffected. The locations of all the cables (including interconnectors) are not currently known, and it is noted that some of the proposed cable routes cross flood risk areas as identified on figure 7.5. The Inspectorate considers that there is potential for the cables or pylons carrying overhead cables (as acknowledged in table 7.5) to displace flood water and therefore influence changes to flood risk elsewhere. 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 an LSE.
325	Table 7.5	Effects on licensed and private water supplies from groundwater abstraction located over 1km from the	On the basis that the ES can demonstrate that any construction activities would be >1 meter in depth, and construction activities and infrastructure would be located >250 meters from any groundwater abstraction sources, the Inspectorate agrees that this matter can be scoped out.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		site boundary and not hydrologically connected to the site during all phases	
326	Table 7.5	Erosion and sedimentation during operation	The Inspectorate agrees that operation of the proposed development is not anticipated to have an impact on sediment loads during operation due to the nature of the proposed development and on the basis that a surface water drainage strategy would secure appropriate surface water runoff measures.

ID	Ref	Description	Inspectorate's comments
327	Section 7.4	Zone of Influence and study area	The current study area is determined to be a 1km buffer from the red line boundary with any impacts to waterbodies beyond 1km from the site boundary considered to be negligible. There is no evidence to support this assertion. The study area defined in the ES should be determined based on the ZOI and should account for any receptors hydrologically linked to the proposed development site. The applicant should seek agreement on the study area with the relevant consultation bodies.
328	n/a	Flood modelling and climate change projections	The Inspectorate notes that the Scoping Report determines it is uncertain whether flood modelling would be carried out for the proposed development site to inform the assessment of LSE; table 7.5 states that consultation will inform whether there are any requirements for hydraulic modelling. Some of the flood modelling referenced in the Scoping Report uses outdated data, for example, modelling data for the Romney Marshes Breach and Flood Forecasting (2020) model which assesses coastal flood risk uses UKCP09. Additionally, the vulnerability of the

ID	Ref	Description	Inspectorate's comments
			proposed development and the climate change uplifts for peak river flow and sea level rise to inform the assessment are not established. The ES should provide up-to-date data to inform the assessment of flood risk and seek agreement on the approach and conclusions with the relevant consultation bodies. Where flood modelling is not undertaken, it should be explained how and why the data and approach used is appropriate to inform the assessment of LSE and the extent of agreement with consultation bodies. This should take account of up-to-date climate change projections for the lifetime of the proposed development.
329	Paragraph 7.7.1 and table 7.6	Important receptors identified	Scoping Report paragraph 7.7.1 identifies 'important' receptors. It is unknown whether this encompasses all sensitive receptors identified or a specific set that are considered 'important'. The Inspectorate notes that the marine environment is not included as a water receptor despite the study area of the proposed development overlapping with the marine environment. On the basis that potential impacts in table 7.6 include surface water runoff causing changes in water quality, the Inspectorate considers there is potential for LSE. The ES should assess potential LSE to the marine environment or provide evidence to demonstrate there is no pathway for effect.
3210	Paragraph 3.3.7 and C16 of appendix B	Freeboard mitigation	The freeboard for solar panels to mitigate against flood risk scenarios is proposed to be 300mm in Scoping Report paragraph 3.3.7. On the basis some of the flood risk data is out of date, it is unclear whether this is an appropriate height to ensure the proposed development remains safe and operational in times of flood. The applicant should inform any mitigation with assessments using up-to-date data and seek agreement on the approach with the relevant consultation bodies.
3211	n/a	Types of watercourse crossings	The type of watercourse crossing is not specified, and it is unknown how this would be decided. The ES should establish the types of watercourse crossings and where they are to be deployed. It should explain why the type of crossing is proposed and is appropriate, including any supporting agreement from the relevant consultation bodies.

ID	Ref	Description	Inspectorate's comments
3212	Figures 7.9 and 7.10	Figures	The presentation of figures 7.9 and 7.10 cut off the lower part of the proposed development and the potential surface water flooding area. For clarity, the ES should present the entirety of the proposed development areas being assessed.
3213	Paragraphs 7.10.3 and 7.10.4	Site walkover	The site walkover is said to have been undertaken around the Romney Marshes area and Lydd; the survey area is not identified on a figure and it is not explained why this area was chosen. The ES should identify the location of surveys underpinning the assessment and include figures where appropriate. The applicant should seek to agree the extent and scope of surveys with the relevant consultation bodies.
3214	Paragraph 7.6.2 and figure 7.1	Baseline characterisation	The study area includes the cable route corridor as identified in figure 7.1 and Scoping Report paragraph 7.4.3, however, the description of the baseline environment does not always include a description of the baseline for the cable route corridor, for example, in paragraph 7.6.2. Please see ID 2.1.3 of this Scoping Opinion for a general comment on this matter.
3215	Table 7.6	Impacts on water supply	It is unclear from table 7.6 whether impacts to water supply are scoped in. For clarity, the ES should assess LSE on water supply where they are likely to occur.
3216	n/a	Impacts to agricultural drainage	The Scoping Report identified that there are a number of ditches across the site for field drainage. A number of consultation bodies also identify a clay pipe drainage system beneath parcels A to F of the proposed development which could be impacted by piling and groundworks. The ES should assess potential impacts on agricultural drainage systems across the site where significant effects are likely to occur and where drainage systems are impacted, report on and assess any implications for changes to flood risk.
3217	n/a	Impacts from thermal emissions	Although the Scoping Report states that it is yet to be decided whether cables would be above or below ground, where they are below ground there would be potential for thermal

ID	Ref	Description	Inspectorate's comments
		from cables during operation	emissions to impact sensitive receptors, for example, controlled waters. The ES should identify whether there is potential for thermal emissions from cables to impact sensitive receptors and assess any significant effects where they are likely to occur.
3218	Table 7.7	Impacts to groundwater receptors	The Inspectorate notes that groundwater receptors are identified as sensitive receptors in table 7.7 but it is unclear whether impacts to these receptors are proposed to be assessed in the chapter on hydrology or land and ground contamination. Please see ID 3.13.4 of this Scoping Opinion for further comment on this matter.

3.3 Agricultural Soils

(Scoping Report Section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
33.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment

ID	Ref	Description	Inspectorate's comments
332	Paragraph 8.7.3 and appendix E	Baseline data collection Agricultural Land Classification (ALC) survey	The Scoping Report refers to the use of the Ministry of Agriculture Food and Fisheries (MAFF) system from 1989 for the classification of agricultural land. The Inspectorate notes that this grading system did not allow for sub-divisions of agricultural land (such as division of Grade 3 agricultural land into Grade 3a and 3b), although there is later reference in appendix E figure 8.4 to these sub-divisions. The baseline presented in the ES should provide sufficient information to understand the grade of agricultural land affected by the proposed development including delineating areas of 3a and 3b, including the classification of any agricultural land affected by the proposed cable corridor route. Reference should therefore be made to appropriate data collection methods using survey guidelines and/or desk-based information and the applicant should seek agreement on the approach with the relevant consultation bodies.
333	n/a	Best Most Versatile (BMV) land	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. Specific justification for the use of the land by grade should be provided. Consideration should be given to the use of BMV land in the applicant's discussion of alternatives.

ID	Ref	Description	Inspectorate's comments
334	Table 8.1	Reference to other assessments	Table 8.1 of the Scoping Report (Receptor Sensitivity Relating to Agricultural Land Quality) includes reference to (for example) designated sites, heritage assets and soil hydrology/wetness used as part of the definition of receptor sensitivity for the agricultural land assessment. No details are provided of the baseline information that would be used to inform these criteria, including cross reference to other assessments in the ES. The ES should explain the criteria for determining receptor sensitivity.
335	n/a	Characteristics of the soils baseline	The Inspectorate notes the location of the proposed development is influenced by its proximity to the coast and the network of drainage and water level controls around and within the site (for example, described in paragraph 11.4.13). These factors should be taken into account in the description of the soils baseline, explaining whether there is any influence on soil characteristics and cross referencing to other chapters where appropriate.
336	Paragraph 8.6.1	Consultation	The Inspectorate notes that the output of the ALC survey and the outline soil management plan would be discussed with Natural England. Given the early stage of the proposed development and the potential for BMV to be affected by its location, the applicant should seek to agree the approach to the assessment with the relevant consultation bodies prior to the completion of surveys. The applicant is directed to the response from Natural England in this regard.
337	n/a	Study area	The study area for the assessment should be defined in the ES, taking account of the entirety of the proposed development including the cable route(s). This should be accompanied by an appropriate figure.
338	Tables 8.2 and 8.4	Assessment of significance	The Inspectorate notes that table 8.4 includes a receptor sensitivity category of 'very high'. However, table 8.2 which describes each category of receptor sensitivity does not include 'very' high' and it is unknown what constitutes a 'very high' sensitivity receptor.

ID	Ref	Description	Inspectorate's comments
			The ES should clarify how the significance matrix in table 8.2 has been used to determine the effects in relation to soils with an explanation of what constitutes a 'very high' sensitive receptor in line with relevant guidance.
339	Paragraphs 8.6.11 and 8.6.12	Decommissioning	The ES should set out how monitoring would be used to determine that agricultural land has been returned to its previous quality and how any necessary remedial activity to address damage to soils will be undertaken and reported. The ES should identify how any mitigation and monitoring measures relied upon are secured.
33.10	Paragraph 8.6.3	Piling	Potential impacts during construction do not include consideration of piling impacts on soil. The ES should include an assessment of potential significant effects on soil from piling and removal of piles during construction and decommissioning where they are likely to occur.

3.4 Archaeology

(Scoping Report Section 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
34.1	Table 9.2	All heritage assets in table 9.2 – physical and settings impacts	The Scoping Report proposes to scope out heritage assets with several reasons including where: • they are not within the site boundary • the distance from the local road network is such that significant effects are unlikely to occur from air quality changes or noise or vibration • the settings are restricted to the immediate vicinity • the distance from the site boundary precludes any sensory changes to the assets' setting • any traffic effects would be intermittent or similar to those associated with current land use practices The Inspectorate notes that the scope refers only to assets within the site boundary study area and not to the cable search area as well. No plan has also been provided to identify where each asset is located in relation to the proposed development which has limited the Inspectorate's ability to determine potential for significant effects. The Inspectorate also notes that traffic routes have not yet been confirmed and that the list of other developments that could give rise to significant cumulative effects with the proposed development has not yet been compiled. In light of these matters and noting the comments of consultation bodies on the potential for far-reaching views across the predominantly flat landscape that the proposed development would occupy, the Inspectorate does not agree that all heritage assets

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			identified in table 9.2, with the exception of individual findspots (see ID 3.4.2 of this Scoping Opinion) can be scoped out of the assessment at this stage.
342	Table 9.2	Physical and settings impacts to findspots within the Site boundary during construction, operation and decommissioning	The Scoping Report proposes to scope out assessment of individual findspots on the basis that the artefacts have been removed and as the baseline will nevertheless take account of the findspot within the baseline. Although this matter only takes account of the site boundary and not the cable search area, the Inspectorate agrees that this principle would be relevant to the cable search area as well and that this matter can be scoped out of further assessment. Please refer to ID 3.4.4 of this Scoping Opinion for the Inspectorate's comments on the cable search area baseline and methodology.

ID	Ref	Description	Inspectorate's comments
343	Paragraph 9.3.2	Study area	The Inspectorate notes that the response from Historic England during consultation as set out in Scoping Report table 9.1 identifies that the impact assessment of designated heritage assets may require extension of the study area beyond the proposed 5km. However, a 5km study area is proposed in Scoping Report paragraph 9.3.2. The Inspectorate also notes that the scope of the archaeology assessment includes 'the Site and surrounding area' without defining what area this covers The ES should justify an appropriate study area based on the Zone of Theoretical Visibility (ZTV) and illustrate the extents on an appropriate figure.
344	Page 179 (no table reference)	LSE scoped into the detailed assessment	The Inspectorate notes the list of heritage assets proposed to be scoped into the assessment. This list should be reviewed to include assets that could be affected by the cable search area and interconnecting cables, including agreement on the assets to be assessed with consultation bodies. The methodology for the collection of baseline data

ID	Ref	Description	Inspectorate's comments
			should also therefore be reviewed in conjunction with relevant consultation bodies to ensure that the methods proposed (section 9.6) are appropriate for the cable search area. Please see IDs 5.1.1 to 5.1.3 of this Scoping Opinion for further comment on this matter.
34.5	Paragraph 9.1.2 and table 9.3	Definitions and cross references with the built heritage chapter	The Scoping Report does not make it clear why assets are assessed in both the archaeology and built heritage chapters and this makes it difficult to understand the proposed assessment. The ES should clarify these definitions and ensure that there is no unnecessary duplication of the assessment for assets that incorporate both archaeology and built heritage elements. Equally, it should still be possible to understand the overall effects on assets as single receptors where they are assessed in several chapters. The applicant may wish to review the structure in light of the addition of the cable search area to determine the best structure for both these assessments.
34.6	Appendix E and figure 2.2	Figures	The ES should be accompanied by clearly labelled figures to allow identification of the location and extent of all the heritage assets in relation to the proposed development referred to in the text.
34.7	Section 9.6	Assessment of significance	Receptor sensitivity, impact magnitude and significance are not defined, and it is not explained how they would be determined in section 9.6 of the Scoping Report. The ES should set out the criteria for determining receptor sensitivity and impact magnitude and how these would combine to determine the significance of effect.
34.8	n/a	Cable route – overground options	Scoping Report paragraph 2.1.4 notes the potential for both underground and overground installation options for the cable route to the Dungeness substation. Where these options remain, below ground and settings impacts should be scoped into the assessment, where significant effects are likely to occur.

ID	Ref	Description	Inspectorate's comments
34.9	n/a	Effect from changes to hydrological patterns	The Scoping Report does not discuss potential effects from changes in hydrology to archaeological assets. The ES should assess the LSE from potential changes to water levels, flow and water quality to buried heritage assets where they are likely to occur. The applicant should seek agreement on the approach to assessment with the relevant consultation bodies.
34.10	Table 10.2	Scheduled Monument NHLE 1415588: Phoenix Caisson off Littlestone-on-Sea	The Inspectorate notes that the significance of Scheduled Monument NHLE 1415588: Phoenix Caisson off Littlestone-on-Sea as described in Scoping Report Table 10.2, is derived in part from its archaeological interest. However, this asset is only considered in the scope of the built heritage assessment and not the archaeological assessment. The ES should assess potential effects to the archaeological element of this receptor where they are likely to be significant.

3.5 Built Heritage

(Scoping Report Section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.1	Table 10.2	All heritage assets – construction, operation and decommissioning effects on setting and physical impacts	The Scoping Report proposes to scope out heritage assets where: • they are unlikely to encroach into the site • the distance from the local road network is such that significant effects are unlikely to occur from changes to air quality, noise or vibration • their settings are restricted to their immediate vicinity • the distance from the site boundary precludes any sensory changes to the assets' setting • any traffic effects would be intermittent or similar to those associated with current land use practices The Inspectorate notes that the scope refers only to assets within the site boundary study area and not to the cable search area as well. No plan has also been provided to identify where each asset is located in relation to the proposed development which has limited the Inspectorate's ability to determine potential for significant effects. The Inspectorate also notes that traffic routes have not yet been confirmed and that the list of other developments that could give rise to significant cumulative effects with the proposed development has not yet been compiled. In light of these matters and noting the comments of consultation bodies on the potential for far-reaching views across the predominantly flat landscape that the proposed development would occupy, the Inspectorate therefore does not agree that any heritage assets identified in table 10.2 can be scoped out of the assessment at this stage.

ID	Ref	Description	Inspectorate's comments
352	n/a	Figures	The ES should include figures that clearly identify the location of heritage assets in relation to the proposed development.
353	Paragraph 10.1.3	Historic landscape character	The definition of 'built heritage' in Scoping Report paragraph 10.1.3 includes historic landscapes. The ES should define how this criterion has been accounted for in the assessment, noting the responses from consultation bodies that the exposed nature of the landscape forms a key component to the setting of some heritage assets. The approach to the assessment should be agreed with relevant consultation bodies.
354	n/a	Cable route – overground options	Scoping Report paragraph 2.1.4 notes the potential for both underground and overground installation options for the cable route to the Dungeness substation. Where these options remain, below and above ground and settings impacts from all phases of the proposed development should be assessed in the ES, where significant effects are likely to occur.

3.6 Landscape and Visual

(Scoping Report Section 11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
36.1	Table 11.1	Changes to special qualities of the Kent Downs National Landscape during all phases	The Scoping Report states that given the context of the location of the proposed development amongst other nearby energy infrastructure and the location of the National Landscape 8km from the proposed development, there would be a negligible effect. However, this does not take into account long distance views or potential cumulative effects on the Kent Downs National Landscape. 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 an LSE.
362	Table 11.1	Changes to special qualities of the High Weald National Landscape during all phases	The Scoping Report states that given the context of the location of the proposed development amongst other nearby energy infrastructure and the location of the National Landscape 5.5km from the proposed development, there would be a negligible effect. However, this does not take into account long distance views or potential cumulative effects on the High Weald National Landscape. 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 an LSE.
363	Table 11.1	Changes to the character of	The Inspectorate agrees to the approach of using National Character Areas to provide context for the assessment of significant effects in line with the 'Guidelines for Landscape

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		National Character Areas during all phases	and Visual Impact Assessment, Third Edition' (GLVIA3). The Inspectorate agrees that this receptor may be scoped out of the assessment of LSE.
364	Table 11.1	Lighting during construction and decommissioning	The Inspectorate notes that impacts from lighting are scoped into the biodiversity assessment. It agrees that a standalone lighting assessment during construction and decommissioning can be scoped out of further assessment for landscape and visual effects on the basis that impacts will be considered as part of the wider landscape assessment of effects and lighting impacts are anticipated to be temporary and specific to certain locations. The ES should include information on the location, directionality, spill, type, height, duration and timing, and brightness of the lighting and how this would reduce/avoid effects. The ES should explain how these lighting parameters and requirements are secured.
365	Table 11.1	Lighting during operation	The Inspectorate notes that impacts from lighting are scoped into the biodiversity assessment. It agrees that a standalone lighting assessment during operation can be scoped out of further assessment on the basis that impacts would be considered as part of the wider landscape assessment on landscape character and visual amenity and that lighting would only be used during emergency works and when access or exit is required via passive infra-red controlled lighting. The ES should include information on the location, directionality, spill, type, height, duration and timing, and brightness of the lighting and how this would reduce/avoid effects. The ES should explain how these lighting parameters and requirements are secured.
366	Table 11.1	Changes to views and visual amenity of people at their	The Inspectorate agrees that due to the low sensitivity of this receptor in line with GLVIA3 and the existing industrial environment in and around the proposed development, this matter may be scoped out of further assessment.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		place of work during all phases	
36.7	Table 11.1	Changes to views and visual amenity of people engaged in outdoor sport or recreation which does not depend on the appreciation of views of the landscape during all phases	The Inspectorate agrees that due to the low sensitivity of this receptor in line with GLVIA3, the lack of receptors present within or adjacent to the red line boundary, and the existing industrial environment in and around the proposed development, this matter may be scoped out of further assessment.

ID	Ref	Description	Inspectorate's comments
36.8	Paragraph 11.4.6 and appendix E, figure 11.4	Figures	Scoping Report paragraph 11.4.6 references figure 11.4. However, this figure is not provided in appendix E. The ES should ensure that all figures supporting the assessment are provided and correctly referenced.
36.9	Paragraph 11.4.8	Study area	The study area is proposed to be 2km from the proposed development site. However, figures 11.1 to 11.3 demonstrate that the ZOI extends to 5km and potentially beyond. Scoping Report paragraph 11.4.8 states that there are not likely to be significant effects beyond 2km taking account of the landscape characteristics and likely viewing opportunities; it is unclear what landscape characteristics and viewing opportunities are being referred to to determine there would be no LSE. The Scoping Report does not explain whether there are sensitive receptors beyond 2km that would still be located within

ID	Ref	Description	Inspectorate's comments
			the ZTV or explain why these would not be impacted. Sensitive receptors are not identified on a figure. The ES should justify an appropriate study area and identify sensitive receptors based on the ZTV with a supporting figure to determine if there is potential for LSE. The applicant should seek agreement on an appropriate study area with the relevant consultation bodies.
36.10	n/a	Long distance views	These are not discussed in the Scoping Report. Considering the flat nature of the existing landscape, the ES should account for any potential long-distance views and assess any significant effects on sensitive receptors through long distance views where they are likely to occur.
36.11	Paragraph 11.5.4	Buffer zones	Buffer zones are proposed as a mitigation measure for existing hedgerows, watercourses, trees and woodlands. The ES should explain where the extents of buffer zones derive from, and the applicant should seek agreement on the proposed buffer zones with the relevant consultation bodies.
36.12	Table 11.3	Visual impacts to marine users	The list of visual receptors does not explicitly include marine users although the ZTV presented on figures 11.1 to 11.3 determine that there may be views of the proposed development from the sea which could include landscape and visual impacts and glint and glare impacts. The ES should assess the LSE on marine users or else if they are not assessed, this should be appropriately justified.
36.13	Paragraph 11.4.33	Cross reference between cultural heritage, archaeology and landscape and visual amenity assessments	The ES should appropriately cross reference between the cultural heritage, archaeology and landscape and visual amenity assessments where impacts and effects and mitigation may overlap. It should be clear where impacts and effects are assessed for setting and visual amenity. For example, impacts to Dungeness lighthouse are identified in table 10.2 as a cultural heritage receptor in relation to impacts to its setting, however, this is not considered in the landscape and visual amenity chapter although visual amenity from the lighthouse may be altered as a result of the proposed development.

3.7 Transport and Access

(Scoping Report Section 12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
37.1	Paragraphs 12.7.2 – 12.7.3	Operational phase assessment	The applicant explains that the anticipated traffic associated with this phase – up to two van trips per day, or no greater than 20 Light Goods Vehicle (LGV) and 12 Heavy Goods Vehicles (HGV) trips per day during panel replacement – would be insufficient to trigger the 30% threshold for LSE within guidance from the Institute of Sustainability and Environmental Professionals. The applicant also states that an Operational Environmental Management Plan (OEMP) will be provided. On the basis that the ES demonstrates that anticipated traffic movements during the operational phase would not trigger guidance thresholds for LSE, the Inspectorate agrees to scope this matter out. The applicant should also refer to the total change threshold to support that changes would not be significant.
37.2	Paragraphs 12.7.4 – 12.7.5	Decommissioning phase assessment	The applicant seeks to scope out an assessment of decommissioning traffic as this would be of a lower volume of vehicle movements than construction on the basis that junction improvement will have occurred at construction and access routes would remain in situ. The applicant also states that a Decommissioning Traffic Management Plan (DTMP) will be provided. The Scoping Report states that it would not be possible to anticipate a future baseline with a degree of certainty. The Inspectorate considers that this is possible through modelling and use of growth factors with reasonable limitations and assumptions clarified. Indicative traffic numbers for the construction or decommissioning phases are not provided within the Scoping Report. As such, the Inspectorate is not in a position to agree to scope this matter out at this stage. The ES should provide information on the likely trip generation during decommissioning and confirm the assessment conclusions for the decommissioning phase, based on reasonable assumptions.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			The ES should clearly set out how decommissioning is to be managed in the DTMP and any components which may remain following decommissioning.

ID	Ref	Description	Inspectorate's comments
37.3	Paragraphs 12.5.6/12.8.13	Use of third party or offsite mitigation schemes	The Scoping Report refers, in paragraphs 12.5.6 and 12.8.13, to enhancements to the existing local road network, and to a potential inclusion of third-party schemes as associated development. The Inspectorate considers that the ES should specify: • whether these schemes are within or outside of the red line boundary, and whether these form part of the DCO application or are considered as separate schemes. • to what extent these measures are relied upon as mitigation for potential effects, in particular where the schemes are to be delivered by a third party or are outside the red line boundary, and how these schemes are to be secured • whether the schemes are to be considered as part of the proposed development, and would therefore contribute to intra-project effects, or as separate development which would contribute to inter-project cumulative effects.
37.4	Paragraph 12.6.2	Closures/Diversions required	The Scoping Report refers to the requirement for an AIL convoy plan. Should the convoy require road closure or diversions, the ES should list the duration of road closures and diversion routes, and consider, where relevant, the impacts of diversions and closures to receptors in other relevant environmental topics.
37.5	n/a	Number and type of vehicle movements	The ES should quantify the number of traffic movements associated with each phase of the proposed development including any peak movement periods. It should also identify

ID	Ref	Description	Inspectorate's comments
		during all project phases	the vehicle type and routing, distinguishing between any AILs, HGVs, LGVs and hazardous loads and use this data to inform the assessment of LSE.
37.6	Paragraph 12.8.10	Transport Assessment	The ES should be supported by a Transport Assessment that includes predicted vehicle numbers during all phases, a programme of works, access points, traffic routing, traffic management measures and proposed alterations to the highway. The applicant should seek agreement on the approach with the relevant consultation bodies.
37.7	n/a	Weight and width restrictions	The ES should identify any roads where there are weight or width restrictions and explain how this influences the assessment of LSE, proposed development design or routing of traffic.
37.8	n/a	Impacts to river users	The Inspectorate notes that there may be works in proximity to rivers, such as river crossings. The ES should confirm whether any works are likely to impact river vessels and assess significant effect where they are likely to occur.

3.8 Carbon and Climate Change

(Scoping Report Section 13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
38.1	Table 13.1	Climate change risk during all phases	The Scoping Report proposes to scope out this matter on the basis that embedded measures (such as locating the infrastructure above flood depths) would mitigate potential LSE and sea defences would mitigate the impact of coastal flooding. Additionally, impacts from sea level rise, flooding and the potential to exacerbate flooding elsewhere is proposed to be addressed in the Flood Risk Assessment. At present, the current modelling for a flood defence breach is based on UKCP09 figures and it is unknown whether the proposed freeboard is appropriate. Additionally, there is no identification of where the electrical infrastructure could be placed in relation to the flood risk areas and it is not explained how the proposed development infrastructure and construction programme is resilient to extreme events. 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 out of 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.
38.2	Table 13.1	In-combination impact assessment during all phases	The Inspectorate does not agree that the resilience of all receptors would mean there would be no LSE. The ES should either provide an assessment of LSE from climate change in combination with the effects from the proposed development or else provide appropriate evidence to support that there would be no potential for LSE, such as evidence of agreement with the relevant consultation bodies.

ID	Ref	Description	Inspectorate's comments
383	Paragraphs 13.3.2 to 13.3.5	Study area	The study area is defined as the site boundary for the impacts to the proposed development from climate change. However, the study area presented in the ES should include all elements of the proposed development including interconnecting cables and the cable route corridor for connection to the grid.

3.9 Noise and Vibration

(Scoping Report Section 14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
39.1	Table 14.2	Construction traffic vibration	The Scoping Report considers that construction traffic generation associated with the proposed development may cause vibration. It is assessed that perceptible (>14 PPV mms^{-1}, per table 14.5) vibration impacts are unlikely to occur as roads are either assumed to have a well-maintained surface or are proposed to be upgraded to accommodate HGV traffic. Vehicle numbers, types, and routes are not given, and it is proposed that these will be produced as part of a Construction Traffic Management Plan (CTMP). It is not clear which receptors have been considered for potential vibration impacts. As such, the Inspectorate considers not enough information has been provided to scope this matter out of the assessment at this stage. The ES should clarify the routing of traffic and identify any sensitive receptors along those routes and assess significant effects where they are likely to occur. The ES should clarify what constitutes a good state of maintenance and demonstrate which roads meet this criteria. It should also identify the locations and describe any required upgrade works as part of the proposed development, explaining how that would be delivered and where significant effects are assessed in the ES.
39.2	Table 14.2	Operational traffic noise and vibration	The Scoping Report anticipates that minimal road traffic movements would be generated by the proposed development in its operational phase. In Scoping Report paragraphs 12.7.2 to 12.7.3, it states operational traffic would constitute up to two van trips per day, or no greater than 20 Light Goods Vehicle (LGV) and 12 Heavy Goods Vehicles (HGV) trips per day during panel replacement. The Inspectorate agrees that this matter can be scoped out of further assessment on the basis that traffic numbers are confirmed to remain minimal in the ES.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
393	Table 14.2; appendix 14.1	Operational noise and vibration from cable routes	The Scoping Report states that no noise or vibration would result from operational cable routes within the site boundary, which excludes the cable route corridor. The Inspectorate does not agree to scope this matter out. The study area for noise and vibration depicted in appendix 14.1 exceeds the site boundary. It is currently unknown whether cables would be buried or built overhead. It should be clarified whether cables would be above or below ground along the cable route corridor and whether any noise and vibration would result from operational cable routes. The ES should assess significant effects where they are likely to occur.
394	Table 14.2	Operational plant and equipment vibration	The Scoping Report states that no perceptible vibration would be likely to result at receptor locations from the operation of any plant or equipment associated with the proposed development, as the infrastructure associated with solar developments does not make use of any plant or equipment elements that generate significant vibration levels during operation. The Inspectorate is in agreement that this matter can be scoped out of further assessment.
395	Table 14.2	Decommissioning noise and vibration	The Scoping Report states that sufficient information for the detailed assessment of decommissioning activities is unlikely to be available and that impacts during decommissioning would be no greater than those produced during construction. The Inspectorate agrees that decommissioning impacts would be similar to impacts at construction, and LSE at construction may be used as a proxy. However, the Scoping Report identifies potential significant effects during construction in table 14.3. Therefore, the Inspectorate does not agree to scope out the equivalent effects during decommissioning; the ES should include an assessment of significant effects during decommissioning where they are likely to occur.

ID	Ref	Description	Inspectorate's comments
396	Paragraph 14.3.2	Study area	The study area currently includes a buffer from the site boundary and the cable route corridor. The defined study area presented in the ES should include roads used to route construction and decommissioning traffic where significant effects are likely to occur.
397	Paragraphs 14.3.7 to 14.3.8	Identification of receptors	The Scoping Report refers only to residential properties, and “particularly” those on the listed roads, as well as receptors that are “important,” “key,” and “of relevance.” The Scoping Report does not provide the criteria used to identify sensitive receptors or the degree of sensitivity of receptors. Based on the indicative masterplan at appendix D, other residential properties and potential non-residential receptors (including agricultural and industrial) are also present within the study area. The ES should make clear the criteria used in line with relevant guidance to identify receptors and determine their sensitivity.

3.10 Human Health

(Scoping Report Section 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.1	Table 15.3	Health related behaviours – risk taking behaviours for all phases	The Scoping Report proposes to scope out this matter on the basis that site health and safety protocols would be in place and enforced during all phases of the proposed development. The Inspectorate agrees that significant effects are unlikely to occur and that this matter can be scoped out of the assessment.
3.10.2	Table 15.3	Health related behaviours – diet and nutrition (including access to healthy affordable food) for all phases	The Scoping Report considers that the proposed development is unlikely to affect public health outcomes through the price or availability of affordable food and that the proposed development does not affect an area with a key role in local affordable healthy food. The Inspectorate notes that the proposed development is located on land producing arable crops. On the basis the ES can demonstrate that this is not serving local food stocks, the Inspectorate agrees this matter can be scoped out.
3.10.3	Table 15.3	Social environment - Transport modes, access and connections, as well as links between communities - operation	The Scoping Report considers that there would be minimal operational traffic that could affect access to local services and facilities. In Scoping Report paragraphs 12.7.2 to 12.7.3, it states operational traffic would constitute up to two van trips per day, or no greater than 20 Light Goods Vehicle (LGV) and 12 Heavy Goods Vehicles (HGV) trips per day during panel replacement. The Inspectorate agrees that this matter can be scoped out of further assessment on the basis that traffic numbers and anticipated routing are confirmed in the ES.
3.10.4	Table 15.3	Social environment – community safety for all phases	The Scoping Report proposes to scope out safety concerns specifically in relation to risks from the proposed BESS on the basis of implementing a Battery Safety Management Plan and safe working practices during the operational phase of the proposed development. The

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			Inspectorate notes that these risks would be assessed through the separate 'public understanding of risk' assessment and agrees with this approach. Please note that the Inspectorate considers that LSE from the result of a battery fire should be assessed in the ES as per IDs 6.10.18 and 6.14.3 of this Scoping Opinion.
3.105	Table 15.3	Economic environment - education and training for all phases	The Scoping Report proposes to scope out impacts to schools and education providers on the basis that there would be no change to population as a result of the proposed development. The Inspectorate agrees that on that basis, this matter can be scoped out of the assessment, noting that workforce education and training would be addressed in the ES.
3.106	Table 15.3	Economic environment – employment and income for all phases	The Scoping Report proposes to scope out effects on family structures, and employment and equality for workers and the general population as these matters would be addressed through adherence to health and safety policy and industry practice. Given the nature of the proposed development, the Inspectorate agrees that this matter can be scoped out of the assessment on this.
3.107	Table 15.3	Bio-physical environment – climate change mitigation and adaption during construction and decommissioning	The Scoping Report proposes to scope out this matter for the construction and decommissioning phases on the basis of the scale of these phases is unlikely to lead to a significant effect to population human health. The Inspectorate agrees on that basis that this matter can be scoped out for the construction phase. However, the likely duration of the decommissioning phase is not defined in the scoping report and as such, the Inspectorate does not agree that this matter can be scoped out of the assessment at this stage for the decommissioning phase.
3.108	Table 15.3	Social environment - Housing and access to good quality	The Scoping Report proposes to scope out access to affordable housing on the basis that it would not involve the loss or provision of any dwellings and as workforce demand for housing is unlikely to be of a scale where significant effects could occur. The Inspectorate agrees that this matter can be scoped out of the ES.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		affordable housing for all phases	
3.10.9	Table 15.3	Institutional and built environment – health and social care services for all phases	The Scoping Report proposes to scope out effects on access to healthcare services on the basis that the workforce is also unlikely to be at a level where significant effects could occur. The Inspectorate agrees that this matter can be scoped out of the ES.
3.10.10	Table 15.3	Social environment – relocation for all phases	The Scoping Report notes that the proposed development would not require population displacement, or widespread compulsory purchase of homes or community facilities. The Inspectorate agrees that significant effects are unlikely to occur and that this matter can be scoped out of the ES.
3.10.11	Table 15.3	Social environment - Community cohesion, social participation, interaction and support for all phases	The Scoping Report notes that the proposed development is unlikely to directly affect indoor or outdoor community assets and meeting places, and that the community response to visual landscape change is proposed to be assessed as a separate determinant in table 15.4. The Inspectorate agrees that significant effects are unlikely to occur and that this matter can be scoped out of the ES.
3.10.12	Table 15.3	Glint and glare for all phases	The Scoping Report proposes to scope out effects on human health from glint and glare on the basis that the proposed development is unlikely to result in reflective effects on a scale with significant implications for human health. The Inspectorate notes that this is scoped into the landscape and visual amenity (LVIA) chapter and would be informed by a separate glint and glare assessment. The Inspectorate agrees that on that basis, this matter can be scoped out.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.13	Table 15.3	Bio-physical environment – air quality during operation	The Scoping Report proposes to scope out operational air quality emissions due to dust and emissions from traffic. Noting the Inspectorate's comments in ID 3.12.4 of this Scoping Opinion, the Inspectorate agrees that significant effects are unlikely to occur and can be scoped out of further assessment on the basis that the ES demonstrates that the anticipated traffic movements are below the relevant guidance thresholds.
3.10.14	Table 15.3	Bio-physical environment – radiation for all phases	The Scoping Report proposes that effects from electro-magnetic fields (EMF) on human health are unlikely to occur as the proposed development would comply with relevant guidelines. Noting however that the scope of the assessment does not include consideration of the potential cabling, the Inspectorate considers that the ES should include an assessment of the effects of electro-magnetic fields on human health (including an assessment of cumulative effects) during operation. Please also see the Inspectorate's comments on this matter in section 6.14.5 of this Scoping Opinion.
3.10.15	Table 15.3	Institutional and built environment – built environment for all phases	The Scoping Report proposes that as the proposed development would operate appropriate waste management and utility diversion processes, that significant effects are unlikely to occur on the built environment. The Inspectorate agrees that this matter can be scoped out of the assessment on that basis, noting its comments in ID 3.14.8 of this Scoping Opinion.
3.10.16	Table 15.3	Institutional and built environment - wider societal infrastructure during construction and decommissioning	The Scoping Report proposes that as the proposed development would only generate energy during the operational phase that significant effects would not occur during construction and decommissioning. The Inspectorate agrees that on that basis, this matter can be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.10.17	Paragraph 15.7.5	Guidance and approach to methodology	The Scoping Report notes that the assessment in the ES would follow Institute of Sustainability and Environmental Professional's guidance in defining criteria for sensitivity, magnitude and significance. The ES should contain details of the methodology followed for ease of reference.
3.10.18	n/a	Air quality – emissions from battery fire	The Inspectorate considers that the ES should include an assessment on the consequences to human health from possible air quality emissions that could occur following incidents such as battery fires. Please also refer to ID 3.14.3 of this Scoping Opinion for the Inspectorate's reasoning in relation to the assessment of Major Accidents and Disasters in this regard.

3.11 Socio-economics

(Scoping Report Section 16)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.1	Table 16.1	Social change due to impact on social determinant: upskilling and training, homes or accommodation quality, supply, price or access, relocations or temporary housing, spatial planning and zoning during all phases	It is anticipated that the scale of change resulting from the proposed development in this regard would not be sufficient to significantly affect community social outcomes. The Inspectorate agrees that this matter can be scoped out of further assessment of LSE.
3.11.2	Table 16.1	Social change due to impact on infrastructure: public & social services (e.g. health & education), community facilities (e.g. halls) and their financial revenues and public utilities (e.g. water or	It is anticipated that the scale of change resulting from the proposed development in this regard would not be sufficient to significantly affect community social outcomes. The Inspectorate agrees that this matter can be scoped out of further assessment of LSE.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		energy supplies) during all phases	
3.113	Table 16.1	Social change due to impact on people: migration or demographic change (including presence of temporary workforces or gentrification), people's capacities to engage in society linked to levels of health, education, skills, care responsibilities or human rights and people's outlook (public understanding), including aspirations, fears, expectations and anxieties during all phases	It is anticipated that the scale of change resulting from the proposed development in this regard would not be sufficient to significantly affect community social outcomes. The Inspectorate agrees that this matter can be scoped out of further assessment of LSE.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.114	Table 16.1	Social change due to impact on connectedness of community: community cohesion, severance and social networks, community interactions linked to safety, hazards, security and crime and intergenerational participation, including linked to empowerment and representation in decision-making during all phases	It is anticipated that the scale of change resulting from the proposed development in this regard would not be sufficient to significantly affect community social outcomes. The proposed development affects public routes, and this issue is considered in the transport and human health aspects. The Inspectorate, having considered the nature of the proposed development, is in agreement that this matter can be scoped out of the detailed assessment of socio-economic impacts.
3.115	Table 16.1	Social change due to impact on cultural identity, including linked to buildings, structures and events during all phases	It is anticipated that the scale of change resulting from the proposed development in this regard would not be sufficient to significantly affect community social outcomes. The Inspectorate, having considered the nature of the proposed development, is in agreement that this matter can be scoped out of the detailed assessment of socio-economic impacts.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.6	Table 16.1	Social change due to impact on place identity, including wider cityscape, seascape or landscape aesthetics during all phases	This issue is considered in the landscape and visual chapter. It is anticipated that the scale of change resulting from the proposed development in this regard would not be sufficient to significantly affect community social outcomes. The Inspectorate, having considered the nature of the proposed development, is in agreement that this matter can be scoped out of the detailed assessment of socioeconomic impacts.
3.11.7	Table 16.1	Social change due to impact on minority languages protected in policy, e.g. Gaelic, Cornish or Welsh during all phases	No impacts are anticipated as a result of the proposed development in this regard. The Inspectorate, having considered the location and nature of the proposed development, is in agreement that this matter can be scoped out of the detailed assessment of socioeconomic impacts.
3.11.8	Table 16.1	Social change due to impact on biodiversity and natural capital affecting experiences of wildlife and natural habitats during all phases	The Scoping Report states that this matter is considered in the biodiversity chapter, however effects social change from impacts to biodiversity are not considered within the scope of the Scoping Report biodiversity chapter. The Inspectorate does not agree to scope this matter out on the basis that the Inspectorate considers that there are a number of identified potential LSE on biodiversity which could have social impacts through altered interaction and perception of nature in the study area. The ES should provide an assessment of LSE on social changes from impacts to biodiversity and natural capital or else provide sufficient evidence, such as agreement from the relevant consultation bodies, to scope this matter out.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.9	Table 16.1	Social change due to impact on community gardens and parks (quantity, quality and access) affecting attitudes to and levels of engagement with nature during all phases	The Scoping Report considers that any direct or indirect impacts to community gardens and parks resulting from the proposed development would not be of an extent sufficient to significantly affect community social outcomes. The Inspectorate, having considered the nature of the proposed development, is in agreement that this matter can be scoped out of the detailed assessment of socioeconomic impacts.
3.11.10	Table 16.1	Social change due to impact on natural resource availability, or traditional knowledge, relating to local farming, growing, foraging or freshwater during all phases	The Scoping Report considers that the impacts resulting from the proposed development in this regard would not be sufficient to significantly affect community social outcomes. Potential effects to BMV are considered in the agricultural soils chapter, however this chapter does not include consideration of socio-economic impacts. The Inspectorate, having considered the nature of the proposed development, is in agreement that this matter can be scoped out of the detailed assessment of socioeconomic impacts.
3.11.11	Tables 16.1, 7.6 and 14.3	Social change due to impact of pollution or nuisance affecting the quality of the local living environment during all phases	The Scoping Report considers pollution and nuisance impacts throughout the noise and vibration, air quality, hydrology and hydrogeology, and land and groundwater chapters where these issues are scoped in for assessment with the exception of air quality and land and groundwater; the Inspectorate agrees that these aspects can be scoped out. It is anticipated that the scale of change resulting from the proposed development in this regard would not be sufficient to significantly affect community social outcomes.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			The Inspectorate, having considered the nature of the proposed development, is in agreement that this matter can be scoped out of the detailed assessment of socioeconomic impacts.
3.11.12	Table 16.1	Social change due to impact on wider living environment quality due to climate change or the circular economy during all phases	This issue is considered in the carbon and climate change chapter. It is anticipated that the scale of change resulting from the proposed development in this regard would not be sufficient to significantly affect community social outcomes. The Inspectorate, having considered the nature of the proposed development, is in agreement that this matter can be scoped out of the detailed assessment of socioeconomic impacts.

ID	Ref	Description	Inspectorate's comments
3.11.13	Paragraph 16.4.1	Study Area	The study area is not clearly demarcated. This section refers simultaneously to the site itself, the local area (not clearly defined), districts, the Southeast region, and the nation as a whole. The ES should clearly describe an appropriate study and where appropriate, illustrate this on a figure.
3.11.14	Paragraph 16.4.19 to 16.4.20	Identification of Receptors	The Scoping Report refers to "important" rather than sensitive receptors and does not provide the criteria used to identify sensitive receptors or the degree of sensitivity of receptors. The ES should make clear the criteria used for defining receptor values and sensitivity.
3.11.15	Paragraph 16.6.7	Tourism receptors	The Inspectorate notes that tourist attractions are not described as receptors in Scoping Report paragraph 16.6.7 in the LSE to be scoped into further assessment, for example, Romney, Hythe and Dymchurch Railway Visitor Centre. The ES should identify potentially

ID	Ref	Description	Inspectorate's comments
			affected tourist attraction receptors and assess significant effects where they are likely to occur. Where this relates to other chapter assessments, such as LVIA, there should be clear cross reference.

3.12 Air Quality

(Scoping Report Section 17)

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
3.121	Paragraph 17.6.2 (and supporting information in appendix C)	Construction dust emissions	The Scoping Report proposes to scope out an assessment of impacts from dust generation during construction as the construction works would be controlled by a CEMP with reference to Institute of Air Quality Management (IAQM) guidance. However, the Inspectorate notes that the proposed development is located adjacent to, and overlaps with designated sites. 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.
3.122	Paragraphs 17.6.5 to 17.6.6 (and supporting information in appendix C)	On site construction activities and plant emissions	The Scoping Report proposes to scope out an assessment of impacts from plant and vehicle emissions during construction with reference to IAQM guidance. Construction works would be controlled by a CEMP and CTMP. The Inspectorate notes that the site boundary is located adjacent to a number of ecologically sensitive receptors eg Ramsar and SPA, as per figures 2.4 and 2.5 and overlaps with Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI) as per figure 2.6. On the basis that measures are not currently specified and the location and duration of on-site traffic and plant are unknown in relation to sensitive receptors, the Inspectorate does not agree to scope this matter out. The ES should provide an assessment of significant effects where they are likely to occur which should include details of the location and

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
			duration of construction activities and plant emissions and the location and sensitivity of receptors in relation to these activities.
3.123	Paragraphs 17.6.8 to 17.6.11 (and supporting information in appendix C)	Construction traffic and dust emissions	The Scoping Report proposes to scope out an assessment of impacts from construction traffic with reference to EPUK and IAQM guidance and traffic numbers being likely to remain below the threshold for LSE. The applicant also proposes to undertake a standalone air quality assessment when the traffic numbers are confirmed, although noting these are unlikely to be in exceedance of the relevant guidance thresholds. The Scoping Report does not identify the anticipated routing, type, or quantity of construction traffic, so the full study area remains unknown. Consequently, it is unclear whether the baseline conditions are representative and therefore if significant effects are unlikely. Furthermore, several sensitive ecological receptors occur within the surrounding landscape and overlap with the site boundary and cable routes. The Scoping Report states that the assessment of air quality impacts on the Dungeness, Romney Marsh and Rye Bay SSSI is to be assessed as part of a standalone assessment and identifies that the SSSI may be used by construction traffic. 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.
3.124	Paragraph 17.6.13 (and supporting information in appendix C)	Operational phase assessment	The Scoping Report proposes to scope out an assessment of impacts from all operational sources with reference to EPUK and IAQM guidance for traffic, and that the operational process would not result in emissions. Scoping Report paragraph 12.7.3 identifies the anticipated traffic movements during operation would be no greater than 20 LGV and 12 HGV movements per day for panel replacement and two trips per day during operation.

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
			On the basis the ES demonstrates that the anticipated traffic movements are below the relevant guidance thresholds, the Inspectorate agrees this matter can be scoped out.
3.125	Paragraph 17.6.14 (and supporting information in Appendix C)	Decommissioning phase assessment	The applicant seeks to scope out an assessment of all decommissioning sources as this would be similar in magnitude to the construction phase. The applicant also states that a Decommissioning Environmental Management Plan (DEMP) will be provided. The Inspectorate has not agreed to scope out construction phase impacts on the basis that insufficient information has been provided as per ID 16.12.1 to 6.12.3. On the basis that decommissioning should reflect potential effects during construction, the Inspectorate does not agree to scope this matter out. The ES should provide an assessment of LSE or else provide appropriate justification for scoping this matter out such as demonstration that there would be no LSE during the construction phase. The ES should also detail proposed measures to reduce potential impacts and effects during decommissioning in the DEMP and explain where this is secured.

ID	Ref	Description	Inspectorate's comments
3.126	Paragraph 17.4.1	Study area	The Scoping Report refers to the study area as "a 250m radius of the Site boundary, or within 50m of roads used by construction vehicles within 250m of the Site boundary exit (the point at which the vehicles re-enter the public highway)". This excludes consideration of the cable corridors by definition and it is unclear why it is only including roads used by construction vehicles within 250m of the Site boundary. The ES should clearly describe an appropriate study area for the entirety of the proposed development and define the affected road network to determine the extent of potential emissions from vehicles serving the site for each phase of the development. The study area should be presented on an appropriate figure.

ID	Ref	Description	Inspectorate's comments
3.127	Section 17.4	Baseline	The Scoping Report provides baseline information predominately from Folkestone and Hythe District Council, however notes that the proposed development is partly within Rother District Council but does not provide any baseline monitoring information. Scoping Report paragraph 17.3.1 also states that no further surveys are proposed or that consultation has been undertaken for air quality. Considering the study area is unclear as per ID 3.12.6, the ES should confirm the baseline environment for the identified study area. This should draw from up-to-date sources and the applicant should seek agreement on the approach to determining the baseline with the relevant consultation bodies.
3.128	Paragraph 17.4.10	Baseline monitoring data terminology	The Scoping Report states that there are no DEFRA automatic monitoring sites in the study area. However, DEFRA data is then referred to in relation to annual mean NO₂ concentrations. The ES should clearly describe the sources of the baseline datasets used.
3.129	n/a	Impacts to air quality from BESS fire	The ES should assess any significant effects where they are likely to occur to air quality from a fire incident at the BESS. The ES should explain how appropriate measures are secured to avoid/reduce any potential effects.
3.12.10	n/a	Guidance	The Applicant's attention is drawn to the DEFRA advice 'PM2.5 Targets: Interim Planning Guidance'. The ES should explain how key sources of air pollution within the proposed development have been identified and how action has been taken to minimise emissions of PM2.5 or its precursors.

3.13 Land and Groundwater

(Scoping Report Section 18)

ID	Ref	Applicant's proposed matters to aspect out	Inspectorate's comments
3.13.1	Table 18.1 and paragraph 18.3.4	Impacts to Dungeness, Romney Marsh and Rye Bay SSSI (designated for geological features) during all phases	The Scoping Report states that only one section of cabling would be routed through the SSSI and given the small extent of works, this would not lead to LSE, taking into account embedded mitigation measures. The Inspectorate does not agree to scope this matter out; it is not demonstrated that a small impact would not constitute a potentially significant effect and the extent and magnitude of works is not defined. Additionally, the proposed embedded mitigation measures are not described. The Inspectorate considers that the SSSI (and any other relevant protected geological resources) are required to be assessed for the following reasons: • paragraph 18.3.4 notes that 2 current parcels (A and C) are located within the SSSI, and in the absence of a detailed layout plan, there is the potential for direct impacts. The Inspectorate would also recommend that the ES provides a justification for the inclusion of the SSSI within the order limits • the Scoping Report states “the reason for the designation is that the area includes the best UK example (and one of the best in the world) of ‘cusate foreland’”. Given the potential international rarity of the site, the Inspectorate considers it is likely that this would constitute a high degree of sensitivity meaning even small potential impacts could cause LSE • in table 18.1, the Scoping Report states “Given that the important units are all buried features, there is no issue with restricting or losing access to the geological units, as they are not currently accessible”. The Inspectorate does not agree with this as any damage to the geological resource, regardless of whether it can be seen, could result in an LSE

ID	Ref	Applicant's proposed matters to aspect out	Inspectorate's comments
			- the Scoping Report also states "Any specific requirements for cable trenches and access routes within the SSSI boundary would also be agreed with Natural England". The Inspectorate therefore considers that the noted requirement for underground cables (and other infrastructure) could interact with the SSSI boundary, and lead to a potential LSE - the Scoping Report also refers to agreements with Natural England that are proposed to be demonstrated at the point of the application. As there are currently no agreements noted with Natural England, and no guarantee that an agreed position would be reached at the point of the application, the Inspectorate does not agree that this can be relied upon as a mitigation measure which would justify scoping the SSSI out of further assessment - the Scoping Report also states that "In regard to the underground and overhead line cabling search areas, one of the cable options includes an overhead element, rather than buried cables, which would have a lower impact on any ground-based features". The Inspectorate considers that there is currently no information provided to support this statement, and that the potential for 50m high pylons and areas of variable superficial deposits up to 30m depth may require substantial foundation depths which may interact with the SSSI or other geological resources.
3.132	Table 18.1	Impacts to Mineral resources during all phases	The Scoping Report proposes to scope out an assessment of mineral resources as it considers that the potential resources underlying the site are also a geological unit which is a reason for designation for the Dungeness, Romney Marsh and Rye Bay SSSI, and would therefore be unlikely to subject to extraction. Additionally, the applicant proposes to submit a Mineral Safeguarding Assessment as part of the DCO application. On this basis that the ES demonstrates that there is no potential for the minerals underlying the site to be extracted during the lifetime of the proposed development and that they would not be sterilised as a result of the proposed development, the Inspectorate is in agreement that impacts to Mineral Resources can be scoped out of further assessment.

ID	Ref	Applicant's proposed matters to aspect out	Inspectorate's comments
3.133	Table 18.1	Impacts to and from contaminated land during all phases	The Scoping Report proposes to scope out an assessment of effects from contaminated land to the proposed development and the potential for the proposed development to result in contamination of land. The applicant proposes to provide a Preliminary Risk Assessment (PRA) which is to be submitted with the DCO application, and each project phase would be controlled by an Environmental Management Plan. An initial review of available data has also indicated limited potential for contamination. The Inspectorate notes that an Outline Battery Safety Management Plan is proposed to be include in the application. On the basis that the ES confirms in the PRA that the risk of contamination is minimal across the entirety of the proposed development site (including all cable route and interconnecting cable corridors) and an appropriate Battery Safety Management plan is secured, the Inspectorate agrees that impacts to and from contaminated land can be scoped out of the ES.
3.134	Table 18.1 and paragraph 18.5.5	Impacts to groundwater receptors during all phases	The Scoping Report proposes to scope out an assessment of effects to groundwater receptors on the basis that each project phase would be controlled by an Environmental Management Plan with additional plans including battery and fire safety. A PRA has not yet been undertaken. Scoping Report paragraph 8.3.15 states that the depth to groundwater is unconfirmed and that saline intrusion to groundwater is likely due to the proximity to the coast. Scoping Report table 7.6 does not propose to scope in LSE to groundwater receptors into the hydrological chapter. The Inspectorate notes that the Kent Romney Marsh Water Framework Directive Groundwater Body is not referenced as a sensitive receptor in the Scoping Report but is identified as being located at the site by the Environment Agency. Additionally, water crossing methods are proposed. The Inspectorate does not agree to scope out LSE on groundwater receptors at this stage given the presence of sensitive receptors and the lack of evidence demonstrating

ID	Ref	Applicant's proposed matters to aspect out	Inspectorate's comments
			that LSE would not occur. The ES should include an assessment of effects on groundwater quality and quantity, including any effects from saline intrusion, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a LSE. The assessment should include potential LSE from all elements of the proposed development including the cable routes.

ID	Ref	Description	Inspectorate's comments
3.135	Paragraph 18.3.2	Study area	The proposed study area is a 250m buffer from the site boundary. The definition of the site boundary omits the cable route corridors and therefore the Inspectorate considers that the cable route corridor and the interconnecting corridors have been excluded from the study area. The Scoping Report identifies that the 250m buffer is in line with guidance for use for assessing site contamination relating to residential developments but does not explain why this would apply to solar development. The ES should define an appropriate study area that accounts for all potential impacts, for example, impacts to groundwater receptors should account for the extent of hydrological connectivity. The study area should be illustrated on a figure.
3.136	Paragraph 18.3.10	Baseline data presentation	The Scoping Report describes the bedrock and superficial geology underlying the site of the proposed development, however only the bedrock geology is identified on a figure. The ES should provide an appropriate figure identifying the underlying bedrock geology.
3.137	n/a	Proposed consultation	The Scoping Report only names Kent County Council as a body to be consulted on for the PRA and subsequent assessments such as a Foundation Works Risk Assessment, Minerals Resources Assessment etc. The ES should demonstrate consultation with a wider range of consultation bodies, for example the Environment Agency and other host local authorities.

ID	Ref	Description	Inspectorate's comments
3.13.8	n/a	Geotechnical risks	The Scoping Report does not refer to how the ES, or other application documents, would seek to address the geotechnical risks to the proposed development associated with the baseline conditions of the site and surrounding area (for example, the potentially variable or unstable sand dune soils in figure 8.2) and deep superficial geology (potentially requiring additional piling design or ground investigation). The ES should confirm the approach to assessing geotechnical risks, or signpost to where this is addressed.
3.13.9	n/a	Receptor sensitivity, impact magnitude and LSE	Scoping Report section 18 does not set out how receptor sensitivity, impact magnitude and LSE would be determined in the assessment. The ES should set out an appropriate methodology for determining LSE in line with relevant guidance. The applicant should seek agreement on the approach with the relevant consultation bodies.
3.13.10	n/a	Groundwater dependent terrestrial ecosystems (GWDTE)	Scoping Report section 18 does not discuss the potential effects on GWDTE although there is potential for them to be present within the zone of influence of the proposed development. The ES should identify these sensitive receptors within an appropriate study area and provide an assessment of significant effects where they are likely to occur. Where this is assessed in other relevant chapters, this should be clearly cross referenced.

3.14 Environmental Topics Scoped Out

(Scoping Report Section 19)

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
3.14.1	Table 19.1	Glint and Glare	The Scoping Report proposes to exclude glint and glare as a chapter within the ES and instead produce a stand-alone glint and glare report, which would be appended to the ES. The Inspectorate agrees with this approach and agrees that glint and glare can be scoped out of the ES on the basis a separate report would be used to inform other ES assessments. Where this informs other chapter assessments such as traffic and transport and LVIA, this should be clearly cross referenced. The Inspectorate does note however that the proposed development description chapter would include any mitigation measures determined to be required as a result of the standalone assessment. These should also be described within the chapters where impacts from glint and glare are assessed.
3.14.2	Table 19.1	Material assets and waste	The Scoping Report proposes that soil on site will be balanced through a cut and fill exercise to retain volumes on site and that a Site Waste Management Plan (SWMP) would be implemented and the waste hierarchy followed during construction. During operation, the Scoping Report states that waste could constitute maintenance and replacement materials and is anticipated to be small amounts with the ES providing details on the replacement schedule. This would be managed through the OEMP and SWMP. Measures are proposed to be put in place to divert the components of the proposed development from the waste chain and would be detailed and secured in the SWMP. It states that this would be considered in other relevant chapters in the ES but does not explain which chapters this would be considered in or how it would be assessed. The anticipated quantities of waste are not specified, and no assumptions are provided. The Inspectorate considers that significant amounts of waste could be produced during construction, operation (eg panel replacement) and decommissioning (eg disposal of

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			infrastructure) and further information is required to demonstrate that this would not lead to a LSE. Additionally, there is no discussion around the sourcing of materials for construction. The ES should include estimates, by type and quantity, of expected materials and their source, residues and emissions and quantities and types of waste produced during the construction, operation and decommissioning phases and assess any LSE arising from the transportation and disposal of waste. This should include any potential cumulative effects where they are likely to be significant, taking into account the Dungeness Nuclear Power Stations A and B in various stages of decommissioning. The ES should outline what measures, if any, are in place to ensure that components (eg batteries and/or panels) are able to be diverted from the waste chain and disposed of safely given that some waste can contain hazardous materials.
3.14.3	Table 19.1	Major accidents and disasters (MAD)	The Scoping Report states that the proposed development is not likely to result in a major accident or disaster. However, the reasoning provided does not explain the potential risk from identified accidents and disasters, potential consequences and subsequently any mitigation that is required to avoid/reduce effects and how that would be secured. The Inspectorate notes information within the Scoping Report and from consultation bodies in relation to constraints on and around the proposed development. These include areas of flood zone 2 and 3, Lydd Airport, Dungeness Nuclear Power Stations A and B in various stages of decommissioning, high voltage overhead powerlines and pylons, Ministry of Defence safeguarding areas and the vulnerable building distance zone, proximity to Lydd (Firing) Ranges and an identified moderate Unexploded Ordnance Risk across the majority of the solar land parcels. Not all of these potential risks are addressed in table 19.1. In the absence of information demonstrating that risks are minimal, 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	Applicant's proposed aspects to scope out	Inspectorate's comments
3.144	Table 19.1	Heat and radiation	The Scoping Report states that due to the design and nature of the proposed development it would not be likely to result in significant effects from heat and radiation. The Inspectorate agrees that heat and radiation can be scoped out of further assessment.
3.145	Table 19.1	Electric, magnetic and electromagnetic fields (EMF)	The Scoping Report proposes to scope out an assessment of EMF on the basis that a limited amount of 400kv cables are proposed and other cables would not be more than 132kv and are therefore not likely to exceed the International Commission on Non – Ionizing Radiation Protection (ICNIRP) exposure guidelines. The Inspectorate considers that the presence of 400kv cables, both from the project alone and cumulatively with the existing high voltage cables in the area, means that potential remains for a LSE. 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 an LSE.
3.146	Table 19.1	Wind microclimate	The Scoping Report proposes to scope out an assessment of wind microclimate as effects from this pathway are typically restricted to high rise, urban buildings. The Inspectorate has considered the nature and anticipated parameters of the proposed development and is in agreement with this, and that an assessment of wind microclimate can be scoped out of further assessment.
3.147	Table 19.1	Lighting	The Scoping Report proposes to scope out an assessment of lighting for construction and decommissioning as this would be controlled by mitigation measures within the CEMP and DEMP and be of a temporary nature. The Scoping Report also seeks to scope out the operational phase as this is to be assessed in other relevant ES chapters. The Inspectorate is in agreement with this approach and that a separate assessment of lighting is not required on the basis that it would be assessed in the LVIA and biodiversity

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			assessments. The ES should also include information on the location, directionality, spill, type, height, duration and timing, and brightness of the lighting and how this would reduce/avoid effects. The ES should explain how these lighting parameters and requirements are secured.
3.148	Table 19.1	Utilities	The Scoping Report proposes to scope out an assessment of impacts to utilities as the location of utilities will be considered in the design of the proposed development, and that the DCO will contain relevant protective provisions. The Inspectorate is in agreement with this approach on the basis that the design presented in the ES demonstrates the proposed development avoids potential impacts to utilities.

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 Secretary of State for Defence	Ministry of Defence
The relevant parish council or, where the application relates to land in Wales or Scotland, the relevant community council	Camber Parish Council
	Icklesham Parish Council
	Rye Town Council
	Lydd Town Council
	Ivychurch Parish Council
	Brookland Parish Council
	Brenzett Parish Council
	Old Romney parish Council
	Newchurch Parish Council
	St Mary in the Marsh Parish Council
	New Romney Town Council
The Environment Agency	The Environment Agency
Natural England	Natural England
The Forestry Commission	South East and London
Relevant AONB Conservation Boards	High Weald National Landscape
The Historic Buildings and Monuments Commission for	Historic England

SCHEDULE 1 DESCRIPTION	ORGANISATION
England (known as Historic England)	
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Maritime and Coastguard Agency - Regional Office	The Maritime and Coastguard Agency - Dover satellite office and Southampton marine office
The relevant internal drainage board	Romney Marshes Area Internal Drainage Board
Trinity House	Trinity House
The relevant Highways Authority	Kent County Council
	East Sussex County Council
	National Highways
The Civil Aviation Authority	Civil Aviation Authority
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
The Crown Estate Commissioners	The Crown Estate
The relevant police authority	Kent Police and crime commissioner Authority
	Sussex Police and crime commissioner Authority
The relevant ambulance service	South East Coast Ambulance Service
The relevant fire and rescue authority	East Sussex Fire and Rescue Authority
	Kent Fire and Rescue Authority

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)

STATUTORY UNDERTAKER	ORGANISATION
The relevant Integrated Care Board	NHS Kent and Medway Integrated Care Board
	NHS Sussex Integrated Care Board
NHS England	NHS England
The relevant NHS Foundation Trust	South East Coast Ambulance Service NHS Foundation Trust
Railways	Network Rail Infrastructure Ltd
	National Highways Historical Railways Estate
Dock and Harbour authority	Rye Port Harbour
Lighthouse	Trinity House
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
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
	South East Water
	Southern Water
The relevant public gas transporter	Cadent Gas Limited
	Northern Gas Networks Limited
	Scotland Gas Networks Plc

STATUTORY UNDERTAKER	ORGANISATION
	Southern Gas Networks Plc
	CNG Services Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Harlaxton Gas Networks Limited
	Independent Pipelines Limited
	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 generator with CPO Powers	EDF Energy Nuclear Generation Limited - Dungeness Nuclear Power Station
The relevant electricity distributor with CPO Powers	South Eastern Power Networks Plc
	Advanced Electricity Networks Ltd
	AGR Networks Ltd
	Aidien Ltd
	Aurora Utilities Ltd
	Eclipse Power Network Limited

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

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

LOCAL AUTHORITY
Folkestone and Hythe District Council
Rother District Council

LOCAL AUTHORITY
Hastings Borough Council
Canterbury City Council
Dover District Council
Ashford Borough Council
Wealden District Council
Tunbridge Wells Borough Council
East Sussex County Council
Kent County Council
West Sussex County Council
Surrey County Council
Medway Council
London Borough of Bromley Council
London Borough of Bexley Council
Thurrock Council
South Downs National park Authority
Brighton and Hove City 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:
Ashford Borough Council
Brenzett Parish Council
Brookland Parish Council
Camber Parish Council
Canterbury City Council
Environment Agency
Folkestone & Hythe District Council
Hastings Borough Council
Health & Safety Executive
Historic England
Icklesham Parish Council
Kent County Council
Kent County Council Highways
London Borough of Bromley
Lydd Town Council
Maritime & Coastguard Agency
Medway Council
Ministry of Defence
National Gas
National Highways
National Air Traffic Services (NATS) Safeguarding
Natural England

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:	
New Romney Town Council	
Newchurch Parish Council	
Old Romney Parish Council	
Rother District Council	
Rye Town Council	
South Downs National Park Authority	
UK Health Security Agency	

Planning and Development

Ask for: Matthew Durling

Email: [REDACTED]

Direct line: [REDACTED]

Emily Park
Senior Environmental Advisor
Environmental Services Operations Group 3
Temple Quay House
2 The Square
Bristol
BS1 6PN

By email to: SouthBrooksSolar@planninginspectorate.gov.uk

Your Ref: EN0110027

Date: 9 December 2025

Dear Ms Park

Scoping consultation in respect of application by Blue Planet Solar Limited for an Order granting Development Consent for the South Brooks Solar Farm

I refer to your letter dated 11 November 2025 consulting Ashford Borough Council (the 'Council') on Blue Planet 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 500 MW, together with onsite substation(s), Battery Energy Storage System (BESS) units, power conversion stations and associated grid connection infrastructure.

The Council makes the following comments in relation to the South Brooks Solar Farm EIA Scoping Report dated November 2025.

Chapter 5: Approach to EIA

- Cumulative Effects

The Scoping Report does not include a list of developments to be considered in the assessment of cumulative effects; however, the Council welcomes confirmation that, subject to meeting relevant criteria, projects within 10km of the Site will be considered in the first stage of the cumulative effects assessment.

Although the Council is not a host authority we request that we are consulted at the relevant time to input to that process in accordance with paragraph 5.5.13 of the Scoping Report and

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

Chapter 11: L

We note that the LVIA Study Area is proposed to be reduced from an initial radius of 5km to 2km from the Site boundary on the basis that there are not considered to be any likely significant effects on landscape and visual receptors beyond this distance.

The Council considers that the study area should be informed by the extent of likely effects and therefore welcomes confirmation at paragraph 11.4.9 that the extent of the study area will be reviewed throughout the iterative design process informed by ongoing desk-based research and field-based analysis during winter and summer conditions.

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

Yours sincerely,

Matthew Durling

Deputy Team Leader

Strategic Applications Team, Strategic Development & Delivery

Planning & Development Service

From: [Brenzett Parish Council](#)
To: [South Brooks Solar Farm](#)
Subject: South Brooks Solar Farm EIA and scoping consultation
Date: 09 December 2025 10:21:15
Importance: High

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Dear Planning Inspector

Brenzett Parish Council would like to comment on the above application with regard to the Scoping stage of this proposed development.

We understand that the applicant must submit an Environmental Statement as this application is likely to have a significant effect on the local environment.

We are extremely worried that local concerns are addressed as this is potentially disastrous for the Romney Marsh and its inhabitants.

The Romney Marsh is a unique area of highly fertile farmland. This development would take up acres of land which are desperately needed to grow food for an increasing population already having to import the majority of what is needed to sustain its population. Therefore, serious questions need to be asked as to the justification of robbing this country of a major source of food production.

What are the developers planning to create when they say they will allow enough land to be used for recreation, landscaping and ecological enhancements?

An explanation of the likely significant effects of this development on the environment is essential.

Is the proposed development intended to be lit? Any lighting during the construction stage should be directed at the works and not impact on residential properties or ecological habitats.

The area is important for birds. Has an assessment been done on the impact on breeding birds and birds which might fly over the site?

What are the plans for caring for the maintenance of the farmland under these panels?

Thanks & regards

Geoff Eaton

Clerk to Brenzett Parish Council

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From: [Brookland Parish Council](#)
To: [South Brooks Solar Farm](#)
Subject: South Brooks Solar Farm EIA scoping consultation
Date: 07 December 2025 14:14:47

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Dear Planning Inspector

The Parish Council would be grateful if you could ensure that the applicant addresses the following issues and concerns in its ES

1. Highways and Local Infrastructure

The Romney Marsh area has limited road infrastructure, with narrow lanes, restricted passing points, and weak bridges unsuited to heavy construction traffic. A project of this scale would place unsustainable pressure on the road network, creating safety concerns for residents, agricultural vehicles, and local businesses. The potential for road deterioration, congestion, and construction-related disruption is considerable and has been underestimate.

2. Flood Risk

The proposed site lies within a designated floodplain. Development of this nature could not only be at risk of flooding itself but may also displace water onto neighbouring land and properties. This is contrary to the principles of the National Planning Policy Framework (NPPF), which requires that new developments are steered away from areas at high flood risk wherever possible.

3. Loss of Agricultural Land

The Romney Marsh is an area of rich agricultural productivity and plays an important role in national food supply. The conversion of viable farmland into an industrial-scale solar installation undermines local farming livelihoods and the UK's food security ambitions. Once developed, such land is unlikely to be returned to its former agricultural value.

4. Environmental and Ecological Impact

The Marsh supports a delicate ecosystem, home to diverse bird species and wildlife. Large-scale solar infrastructure risks disrupting these habitats through ground compaction, fencing, and habitat fragmentation. The long-term ecological effects could be significant and irreversible.

5. Landscape and Visual Impact

The flat, open character of the Romney Marsh, means any large installation will be

visually prominent. This development would fundamentally alter the rural setting and historic landscape character that defines the Marsh and attracts visitors to the area.

6. Impact on Residents and Property Values

Residents living in proximity to the proposed site will be affected by construction noise, loss of rural outlook, and potential reductions in property value. The cumulative visual and environmental impact cannot be mitigated easily due to the openness of the landscape

Thanks & regards

Geoff Eaton

Clerk to Brookland Parish Council

www.BrooklandParishCouncil.gov.uk

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From: [Angela Alexander](#)
To: [South Brooks Solar Farm](#)
Cc: [Angela Alexander](#); [Madeleine Spanswick](#)
Subject: RE: EN0110027 - South Brooks Solar Farm - EIA Scoping and Consultation and Regulation 11 Notification
Date: 07 December 2025 13:43:20
Attachments: [~WRD1328.jpg](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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Dear Emily

Further to our telephone conversation on Thursday and your email below I sent the request for comments to members of Camber Parish Council and to date I have received comments on the proposals from the Chairman of the Council which are copied below:

- That the size and height of the proposed site is too extensive for the area and out of proportion. It covers large parts of prime agricultural and marsh land which will fundamentally scar and change the historic landscape of the coastal marsh land.
- The plan to expose the area to the different sections of this development (rather than contained as one) - means that the destruction of the marshland will be forever changed, damaged and outlook destroyed across a vast area of natural beauty. Unnecessary scarring of a huge area.
- They have not said how the land will be returned after its use to its former state. How is that guaranteed and how do we know there will not be decimation that destroys its current biodiversity for ever.
- On the planned biodiversity features it states will be put in to limit the damage, how has that been tested and how will it be ensured this does not change the features and wildlife of the land permanently. Has the EA been involved at every stage of this plan?
- What damage will be done to the natural features of the marsh, as the sponge of the area which absorbs excess water and holds it to prevent flooding of the area?
- How are the natural eliminate and animal inhabiting this land be protected: badgers, rabbits, vast array of birds and insect life which makes the feature of this part of our natural coast.

I will check for any further responses from other councillors but if none received by 9th then please accept the comments from the Chairman above as the view at this stage from the Council please

Date:08/12/2025
Your Ref:**PRE/25/00149**
E-mail:planning@canterbury.gov.uk

Dear Emily,

Thank you for your notification to inform Canterbury City Council about the planned National Infrastructure Project, ref. **EN0110027**, located near New Romney.

The site consists of approximately 1,094 hectares (ha) of land, situated across two county boundaries (Kent and East Sussex), as well as two district council boundaries - Folkestone and Hythe District Council and Rother District Council. The distance of approximately 28 km separates the proposed infrastructure project from the most southern-end boundary of Canterbury City Council district.

Given the significant separation distance, CCC has no comments to make on the submission at this stage. We request that any potential visual impact from Canterbury City Council is given consideration in the Landscape Visual Impact Assessment.

The advice contained in this letter is based upon the information that you have provided and the matters that you have drawn to my attention and is given without prejudice to the Council's normal decision-making process.

Kind Regards,
Joanna Dymowska
Planning Consultant for CCC
Canterbury City Council

Planning Inspectorate

By email

SouthBrooksSolar@planninginspectorate.gov.uk

Our ref: XA/2025/100495/01

Your ref: EN0110027

Date: 9th December 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 Blue Planet Solar Limited (the Applicant) for an Order granting
Development Consent for the South Brooks Solar Farm (the Proposed
Development)**

Thank you for consulting the Environment Agency on the Environmental Impact Assessment (EIA) Scoping Report for the above Nationally Significant Infrastructure Project (NSIP).

We have reviewed the following reports insofar as they relate to our remit:

- South Brooks Solar Farm EIA Scoping Report Vol1 Main Report
- Vol.2 Appendices, Ref EN0110027, dated November 2025

A summary of our position is provided below, and detailed responses are provided in the Appendices.

Biodiversity

We are satisfied with the proposed scope of the report and with the work completed to determine the environmental baseline. Please provide details of the survey methodologies for habitats and protected species, to expand on the report which simply states that 'best practice guidance' has been followed.

Groundwater and Land Quality

We do not agree with the proposal to scope out Groundwater and Land Quality. These matters should be scoped in due to the sensitivity of groundwater receptors and uncertainties regarding the environmental baseline and cable route corridors. A Phase 1 Geo-environmental Preliminary Risk Assessment should be completed to inform PEIR.

Hydrology and Flood Risk

We do not agree with the proposal to scope out flood risk from fluvial sources at this early stage. Fluvial hydraulic modelling should be undertaken so that the risk of flooding from fluvial sources to the development can be quantified.

The modelling datasets associated with assessment of coastal flooding require checking and updating, and further detail is provided below.

Cont/d..

We note that a Water Framework Directive (WFD) Assessment is to be progressed in consultation with the Environment Agency and we look forward to reviewing this in due course.

Environmental Permitting

Any 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).

Please note this response does not represent our final view in relation to any Development Consent Order (DCO), or 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.

If you require any further details please contact us at the email address below.

Yours sincerely.

James Cordell

Planning Advisor, National Infrastructure Team – Environment Agency
Email: Nlteam@environment-agency.gov.uk

List of Appendices

Appendix 1 – Detailed comments relating to the scope of the EIA
Appendix 2 – General comments for consideration in the EIA

Appendix 1 – Detailed comments relating to the scope of the EIA

1. Flood Risk

Document Reference(s): Chapter 7. Table 7.5 page 133-134 Effects Scoped Out from the Detailed Assessment	
Issue	We do not agree that fluvial and pluvial flood risk can be scoped out of the assessment
Impact	Flood risk effects both to and from the development from fluvial / pluvial sources could be underestimated
Solution	The effects of fluvial / pluvial flood risk both to and because of the development should be scoped in
Additional narrative/ explanation Decisions relating to the scoping of pluvial flood risk should be made in consultation with the Lead local Flood Authority (LLFA) / Internal Drainage Board (IDB). We note that the potential effects of flooding from surface water sources is scoped into the assessment as listed in table 7.6, however in table 7.5 it describes how the effects from pluvial flooding are scoped out of the assessment. Surface water and pluvial flooding should be regarded as the same matter.	

Document Reference(s): Chapter 13 Carbon and Climate Change. Table 13.1 page 258-259 Effects Scoped Out from the Detailed Assessment	
Issue	We do not agree that “climate change risk - construction, operation & decommissioning” can be scoped out of the assessment
Impact	Insufficient assessment of climate change for all phases of the development. Until the applicant has made commitments in relation to the assessment of climate change uplifts we cannot know whether it will be sufficient
Solution	Scope in “climate change risk - construction, operation & decommissioning” for all phases of the development

Document Reference(s): Chapter 7 Hydrology. Table 7.8 Magnitude of Impact page 139	
Issue	The impact criteria shown in table 7.8 does not align with the National Planning Policy Framework (NPPF)
Impact	Flood risk impacts could be underestimated contrary to policy
Solution	Please ensure flood risk impacts to third parties are appropriately quantified and mitigated for in line with policy
Additional narrative/ explanation The NPPF requires that development should not increase flood risk elsewhere. This may not align with the approach set out in the Design Manual for Roads and Bridges (DMRB), which can allow for some degree of increased risk if it is demonstrated to be negligible or appropriately mitigated. Any impact on flood risk will need to be reviewed on a case-by-case basis as the spatial extent of any increase is also an important consideration, not just the magnitude of any increase in peak water levels. Furthermore, considerations around modelling precision may also influence what is classed as an observable increase or impact versus what might be attributable to modeling precision limitations and instability. There is a section on the impacts on off-site flood risk within the guidance on undertaking modelling for flood risk assessments which should be consulted and provides some useful considerations. This is available online at Using modelling for flood risk assessments - GOV.UK (www.gov.uk)	

Document Reference(s): Appendix B: Table 1 Commitments Register
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Issue	Commitment C11 does not define “low probability of flooding” in relation to the sequential approach (e.g. placing BESS, substation, and conversion units in Flood Zones 1)
Impact	Opportunities to sequentially locate critical infrastructure in the lowest flood risk areas could be missed if reference to the Flood Map for Planning (FMfP) is not made
Solution	Please update C11 to include reference to Flood Zone 1 and a commitment to a 600mm freeboard. Components should be placed outside of the design flood extent where possible.
Additional narrative/ explanation The applicant should define “low probability of flooding”. This should be stated in the context of all sources of flood risk. For example: “low chance” in the surface water flood risk context, or outside Flood Zones 2 and 3 for the FMfP.	

Document Reference(s): Chapter 7 Hydrology Table 7.3 page 132 and Chapter 3 The Proposed Development Section 3.3.7 page 28	
Issue	Potential for insufficient freeboard allowances, currently quoted as ‘at least 300mm’.
Impact	Flood risk to the proposed development could be underestimated, particularly when considering modelling uncertainty and blockage risk
Solution	Provide a freeboard allowance of +600mm above design flood levels
Additional narrative/ explanation The applicant must ensure that the proposal is operational in times of flood. A freeboard of 600mm is also required for finished floor levels (e.g., office, warehouse and plant storage building cited in C16 of Appendix B Commitments Register).	

2. Flood Modelling

Document Reference(s): Chapter 7 Hydrology. Section 7.6.27 page 119	
Issue	Fluvial flood risk is not considered
Impact	Flood risk both to and because of the development could be underestimated
Solution	Undertake fluvial hydraulic modelling so that the risk of flooding from fluvial sources to the development can be quantified.
Additional narrative/ explanation This section notes that fluvial influence is considered minimal if not negligible. There is insufficient evidence available to support this claim. We recommend that the risk of flooding to the site through fluvial sources is quantified through hydraulic modelling.	

Document Reference(s): Chapter 7 Hydrology. Section 7.6.29 page 119 and Section 7.6.30 page 122	
Issue	The Environment Agency’s 2020 tidal modelling uses out of date climate change allowances and coastal flood boundary data
Impact	Tidal flood risk to the site could be underestimated.
Solution	Please check the coastal flood boundary conditions and climate change allowances used in the 2020 Romney Marsh coastal modelling to ensure they are still representative or conservative with the most up to date climate change and boundary condition datasets.
Additional narrative/ explanation This section describes how most of the site is outside of the defended 1 in 200 year with climate change tidal flood extent, however the site is at residual risk of flooding during a breach scenario. It is important to note that the climate change scenarios and the design tidal water levels used in the 2020 Romney Marsh modelling have	

since been superseded by UKCP18 climate change sea level rise projections data and the Coastal Flood Boundary (2018) dataset. Please check any modelling you use in line with guidance on using modelling for Flood Risk Assessments available online at: [Using modelling for flood risk assessments - GOV.UK](#)

3. Biodiversity

Document Reference(s): Section 6.2 Review of Policy, Legislation and Relevant Guidance	
Issue	The following legislation is missing: Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024
Impact	Risk of not considering new environmental definitions in legislation in respect of BNG, such as 'irreplaceable habitat', along with related offences to said habitats.
Solution	Include Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 and ensure design proposal comply with these regulations.

Document Reference(s):	
Issue	No details have been provided regarding habitat and protected species survey methodologies for the surveys which have been completed or are planned.
Impact	Unable to assess whether survey timings and methods are being undertaken following best practice guidance.
Solution	Survey timings and methodologies should be provided as soon as possible for our review.

4. Groundwater and Contaminated Land

Document Reference(s): Chapter 18	
Issue	The Applicant has chosen to Scope Out impacts from the Proposed Development to groundwater and land quality.
Impact	Impacts to groundwater and land quality from the Proposed Development have not been adequately assessed and may not be suitably mitigated.
Solution	The Applicant should Scope In impacts from the Proposed Development to groundwater and land quality for the construction, operation and decommissioning phases.
Additional narrative/ explanation The Proposed Development site is underlain by bedrock classified as a Secondary A aquifer, overlain by superficial deposits comprising a mixture of strata designated as unproductive strata, Secondary (undifferentiated) and Secondary A aquifers. Secondary A aquifers comprise permeable layers that can support local water supplies, and may form an important source of base flow to rivers (Protect groundwater and prevent groundwater pollution - GOV.UK). The Applicant states in Section 18.3.15 that depth to groundwater is unconfirmed, but that saline intrusion is likely due to proximity to the coast. In the absence of data confirming the depth to groundwater and presence or absence of salinity indicators, the hydrogeological ground model is lacking in detail and the potential for saline intrusion affecting the groundwater resource onsite is unquantified. The report does not recognise the presence of a WFD Groundwater Body onsite (Kent Romney Marsh) nor consider it as a receptor. The report states in Appendix C that potential contamination associated with the site will be considered in detail within the Preliminary Risk Assessment (PRA), which will be prepared for and submitted with the DCO Application. Although the findings of a	

preliminary review of available data is given in the Appendix, the PRA and Environmental Data Report which inform this preliminary review have not been provided thus we are unable to verify that we agree with these conclusions at this stage.

Significant parts of the Proposed Development including connection corridors have not been assessed at this stage, and we have concerns that these may not be assessed in relation to groundwater and land quality if the topic is Scoped Out. The Applicant aims to Scope Out impacts to groundwater receptors based on the application of embedded mitigation measures including management plans such as the outline Construction Environmental Management Plan (oCEMP), outline Operational Management Plan (oOEMP) and outline Decommissioning Environmental Management Plan (oDEMP).

Detail on the proposed measures to be incorporated into the oCEMP, oOEMP, oDEMP and other management plans such as the outline Battery Safety Management Plan are currently very limited. More information would be required before we would be satisfied that these are adequate to fully mitigate the risks posed by the Proposed Development to controlled waters.

Document Reference(s): Chapter 18 Section 18.3.2	
Issue	The 250m search area buffer used to define the study area for land and groundwater receptors is inadequate specifically with regards to groundwater receptors.
Impact	Potential impacts to sensitive groundwater receptors may not be assessed.
Solution	The Applicant should expand the search area buffer for groundwater receptors.
Additional narrative/ explanation	
We agree that a 250m search area buffer is appropriate for sources of possible land contamination. However, impacts to groundwater, particularly for relatively high-risk sources such as the proposed BESS compound, can extend over significantly greater distances and this should be reflected in the assessment. We note that the Hydrology chapter (Chapter 7) has adopted a more conservative 1km search buffer.	
The underlying superficial geology includes a significant proportion of Secondary A and Secondary undifferentiated aquifers. These may act as a resource in their own right and could be hydraulically connected to the underlying Secondary A aquifer.	

Document Reference(s): Scoping Report, Chapter 3 Section 3.3.39	
Issue	The Applicant has not assessed associated infrastructure including interconnecting cable route corridors between and within solar parcels.
Impact	There is a risk that these unassessed aspects of the development could be overlooked in future studies if the topic area is left Scoped Out, particularly if they pass through areas of high sensitivity and where historic contamination may be present. There is the potential risk that unassessed infrastructure could cause impacts to controlled waters.
Solution	The Applicant should ensure that once route options for interconnecting cabling, including the Grid Connection Corridors, have been further developed that impacts from these are fully assessed, including consideration of topics Scoped Out for further assessment where applicable.
Additional narrative/ explanation	
The Applicant has chosen to Scope Out groundwater and land quality from further assessment (3.3.39). However, consideration potential interconnection cable	

corridors have been explicitly stated not to have been considered. There is a risk that these unassessed aspects of the development could be overlooked in future studies if the topic area is left Scoped Out, particularly if they pass through areas of high sensitivity and where historic contamination may be present.

Document Reference(s): Scoping Report, Chapter 3 Section 3.3.34

Issue	The Applicant may employ trenchless cable installation methods in the Grid Connection Corridor and inter array corridors.
Impact	If inadequately mitigated, trenchless installation methods could significantly impact groundwater and surface water quality.
Solution	The Applicant should identify proposed crossing points and commit to mitigation measures to manage risks from crossings.

Additional narrative/ explanation

Trenchless crossing methods such as Horizontal Directional Drilling (HDD) may be locally applied at key crossing points. This work could involve the use of drilling fluids, and their use may require risk assessment to ensure they do not pose a risk to controlled waters. If trenchless methods are proposed to cross watercourses the Applicant would need to assess whether this would affect local licensed or unlicensed abstractions by carrying out a water feature survey.

Where trenchless methods are proposed to be used in Principal or Secondary A aquifers and beneath sensitive surface water receptors including Groundwater Dependent Terrestrial Ecosystems, these should be supported by a Hydrogeological Risk Assessment. All trenchless drilling should also be supported by a drilling fluid breakout plan. The Applicant should commit that any selected drilling fluids would not contain hazardous or otherwise polluting substances which may impact water quality. Full details of the chemical composition of drilling fluids should be provided when available.

Trenchless drilling methods could create a preferential pathway for mobile contamination if present. Where the potential for contamination to be present is identified based on current or historic land use, the Applicant should ensure that the drilling methodology would not result in contaminant mobilisation.

Document Reference(s): Scoping Report, Chapter 18 Section 18.3.14

Issue	The sensitivity of groundwater within the Proposed Development has been underestimated. The report concludes that the bedrock (Secondary A aquifer) is defined as being of low vulnerability, and that superficial units are either high or moderate vulnerability.
Impact	Potential risks to groundwater not recognised.
Solution	The Applicant should reassess the stated vulnerability of groundwater resources within the study area.

Additional narrative/ explanation

The report correctly states that a series of groundwater Source Protection Zones are present to the east of Lydd, with some sections of the proposed cable routes (Underground and overhead Line Cabling Search Area and Underground Cabling Search Area) passing largely through SPZ3 (total catchment) and extending locally through SPZ1 and SPZ2 (inner and outer catchment respectively). The Proposed Development could result in detrimental impacts to these SPZs and the corresponding public potable water abstractions, both of which are of very high sensitivity.

We presume that the groundwater sensitivity criteria used in the assessment are derived from DMRB LA 113 Revision 1. In this case the Applicant has incorrectly concluded that the Secondary A bedrock aquifer is a Low sensitivity receptor rather than a Medium sensitivity receptor.

Document Reference(s): Scoping Report, Chapter 18 Section 18.3.14, Section 7.7.4 and Table 7.7	
Issue	The report does not consider Groundwater Dependent Terrestrial Ecosystems (GWDTEs) or WFD Groundwater bodies as sensitive receptors.
Impact	Impacts to GWDTEs and WFD Groundwater bodies from the Proposed Development may not be assessed or adequately mitigated.
Solution	The Applicant should assess possible impacts on GWDTEs and WFD Groundwater bodies.
Additional narrative/ explanation Dungeness, Romney Marsh and Rye Bay SSSI is designated in part due to the presence of the following nationally important habitats: salt marsh, sand dunes, vegetated shingle, saline lagoons, standing waters, lowland ditch systems, and basin fens. Many of these are expected to be groundwater dependent. Section 7.7.4 refers to the preparation of a WFD Screening Assessment. This should take account of WFD Groundwater Bodies and GWDTEs in addition to WFD Surface Water bodies.	

Document Reference(s): Scoping Report, Chapter 7 Section 7.6.22	
Issue	The Applicant states that private water abstractions within the Study Area will be assessed as part of the ES if this receptor is scoped into the assessment once baseline information is received.
Impact	Private water abstractions may not be identified and assessed.
Solution	We recommend that the Applicant submits information requests to the Local Planning Authority and water companies to identify private groundwater abstractions and enable assessment of risks to these from the Proposed Development.
Additional narrative/ explanation Any potable water abstraction is considered to be of high sensitivity. The British Geological Survey GeoIndex (GeoIndex - British Geological Survey) shows the presence of multiple water wells within and near the settlement of Lydd, which may lie within influencing distance of the site and some of which may be actively used for abstraction. Other abstractions, which may include private abstractions for potable water and/or food production purposes, may be present within the Study Area.	

Document Reference(s): Scoping Report, Chapter 18	
Issue	The Applicant has not considered potential impacts resulting from thermal emissions from underground cables to sensitive controlled waters receptors.
Impact	Impacts from the Proposed Development to sensitive controlled water receptors may not be identified and mitigated.
Solution	The Applicant should assess the potential for heat emissions from buried cables to impact groundwater, surface water and groundwater dependent terrestrial ecosystems (GWDTEs) during the Operational phase.
Additional narrative/ explanation Heat as a groundwater pollutant was introduced in 2023 via the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2023 SI No.2023/651 : <i>“pollutant”, in relation to England, means any—</i> <i>substance,</i> <i>heat, or</i> <i>biological entity or micro-organism,</i>	

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 other buried infrastructure which may change the thermal characteristics of groundwater bodies. The Environment Agency’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 require the potential thermal implications of buried infrastructure which may impose heating or cooling effects on surrounding strata to be considered further in relation to risks to groundwater.

Document Reference(s): Scoping Report, Chapter 7 and Chapter 18	
Issue	The report is inconsistent regarding groundwater receptors.
Impact	It is unclear to the reader where impacts to groundwater quality and resources are assessed.
Solution	The Applicant should ensure that the reader is clearly signposted to where groundwater quality and quantity impacts are assessed.
Additional narrative/ explanation The opening paragraph (Section 7.1.1) of Chapter 7 (Hydrology) outlines that this section specifically considers aspects of hydrology and makes no reference to hydrogeology. Note that hydrology relates specifically to surface water bodies, and hydrogeology to subsurface bodies of water. However, several items of legislation and guidance in Section 7.2.1 relate to groundwater, such as the Groundwater (England and Wales) Regulations 2009, and groundwater is discussed as a receptor in Sections 7.8.17 to 7.6.22 and Table 7.7. Effects on groundwater quality and quantity are not discussed further in Chapter 7, neither Scoped In nor Scoped Out. Effects on groundwater during construction, operation and decommissioning are instead considered, and Scoped Out, in Chapter 18 Table 18.1.	

Appendix Two – General comments

1. Flood Risk additional points for consideration

Setback

We recommend development be setback from watercourses and flood assets. This allows access for remediation, replacement, and the raising of flood assets in the context of a changing climate and increasing flood risk.

Design Life

The applicant should assume a design life of at least 75 years in line with the PPG (Paragraph: 006 Reference ID: 7-006-20220825) which states that: *“The lifetime of a non-residential development depends on the characteristics of that development but a period of at least 75 years is likely to form a starting point for assessment.”*

Vulnerability Classification

The applicant has not defined the vulnerability classification of the proposal. Please confirm whether the proposal will be classified as ‘essential infrastructure’ in line with Annex 3: Flood risk vulnerability classification.

See this link for more information on vulnerability classifications:

Climate Change

It is unclear what climate change uplifts are being proposed to be assessed. The applicant must state the proposed climate change allowance and epoch that they are proposing to use to assess flood risk. If the development is classed as essential infrastructure, then:

- For peak river flow, they should assess the higher central climate change allowance with a sensitivity test of the upper end allowance for the credible maximum scenario.
- For sea level rise, they should assess the higher central and upper end climate change allowances, with a sensitivity test using the H++ scenario.

See this link for more information on climate change allowances and the assessments needed: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

In line with 5.8.7 of EN-1, essential infrastructure must remain operational during the design flood scenario. Considering 4.10.11 and 4.10.12 of EN-1, the applicant must consider the credible maximum scenario ensuring resilience and a risk-averse approach to elements critical for safe operation.

Flood Risk Assessment

It is noted that a Flood Risk Assessment (FRA) is being prepared for the proposed development. As the FRA has not been submitted at scoping stage, it is not possible to provide detailed comments. We recommend that an FRA Method Statement is considered to set out the approach for each element of flood risk. In doing this it could help prevent abortive work being done within the FRA including modelling work.

The FRA should state if the land uses are within flood zone 3a or 3b, this will inform flood risk vulnerability and flood zone 'incompatibility'. Flood zone classifications can be found within the Strategic Flood Risk Assessment (SFRA).

The FRA will need to demonstrate if the development is classified as 'essential infrastructure' using 'Annex 3: Flood risk vulnerability classification' of the National Planning Policy Framework (NPPF). Essential infrastructure, which has passed the exceptions test and water compatible use, will need to demonstrate that it will:

- Remain operational and safe for users in times of flooding;
- Result in no net loss of floodplain storage; and
- Not impede water flows or increase flood risk elsewhere.

Sequential Approach

A sequential approach will help to ensure that sensitive components (e.g., BESS, substation) of the proposal will remain safe during a flood event

In accordance with National Planning Policy Framework and the sequential test (paragraph 172), development should apply a sequential, risk based approach to the location of development, taking into account all sources of flood risk and the current and future impact of climate change, to avoid (where possible) flood risk to people and property. The project should take a sequential approach where it can, if there are any opportunities for development to be located outside of flood zones 2 and 3 and into flood zone 1, this should be prioritised.

Culverts

We would oppose the culverting of any watercourses and instead prefer the installation of a clear-span bridge crossing. This is in line with the Environment Agency's anti-culverting policy. Culverting existing watercourses / drainage ditches should be avoided. Where culverting for access is unavoidable, applicants should demonstrate that no reasonable alternatives exist and where necessary it will only be in place temporarily for the construction period.

Watercourse Crossings

More information is needed on all proposed watercourse crossings. The applicant should provide a Crossing Register.

Unmapped flood risk

A catchment area of 3km² was the de minimis in the generalised 2d modelling used to determine the extent of Flood Zone 2 and 3 where no detailed hydraulic modelling is available. There may be flood risk associated with watercourses which have smaller catchments, it is just not mapped or included within the Flood Map for Planning. Please bear this in mind when assessing flood risk to new development.

Flood Risk Activity Permits

Watercourse Crossings - The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549.

The applicant should not assume that a permit will automatically be forthcoming and we advise them to consult with us at the earliest opportunity.

Works affecting non-main rivers / ordinary watercourses may require the prior consent of the Lead Local Flood Authority (LLFA) under the Land Drainage Act 1991. As such, we advise consultation with the LLFA in this regard.

If Applicants are seeking to disapply any of the permitting legislation, they should contact the Environment Agency as early as possible. The Environment Agency will consider requests to disapply on a case-by-case basis. We can provide our standard protective provisions for inclusion in the DCO.

2. Biodiversity – additional points for consideration

Buffer zones to watercourses

We support establishing a 10m buffer zone around watercourses, drainage ditches and waterbodies as highlighted in Section 11.5.4 of the EIA Scoping Report. However, no details of buffer zone distances are outlined in other sections of the report including in Table 7.2 which refers to “suitable offsets from bank top” and Table 1 of Appendix B: Commitments Register refers to unspecified “appropriate buffers”. Without an adequate buffer there is increased opportunity for pollutants and fine sediment runoff to enter watercourses, loss of riparian habitat and connectivity, disturbance to protected species. Avoid the riparian zone, defined as 10m from bank top under Biodiversity Net Gain (BNG) guidance. Details of buffer zone distances should clearly be outlined within the commitments register and the Biodiversity Chapter of the Main Report.

During the construction phase, temporary construction compounds within 15m of watercourses could be screened with fencing on sides adjacent to the watercourse, and working lighting could be positioned to avoid light-spill onto sections of the watercourse. Both measures would lower the risk of disturbance to riparian mammals occupying the watercourse

Opportunities for enhancing the environment

Section 6.4.8 highlights that the applicant will be seeking species-specific opportunities for habitat enhancement. As mink traps were observed during the riparian mammal surveys (see Section 6.3.12), we could suggest investigating whether the Proposed Development can support existing mink eradication projects within the local area which will help to aid the recovery of water vole populations.

Organisations like the Kent Wildlife Trust and Waterlife Recovery Trust may be able to advise on existing mink eradication programmes within the local area.

Watercourse crossings

Any new watercourse crossing points should be carefully designed to avoid ecological impacts. For instance, crossing points should avoid locations where water vole have been identified as present. Trenchless crossing techniques (eg Horizontal Directional Drilling (HDD)) should be considered particularly for main rivers, and open span bridges used where HDD isn't possible. For main rivers, EA has a general policy against the use of culverts and this option should be considered as a last resort.

3. Groundwater and Contaminated Land – additional points for consideration

Design and management of BESS

Section 3.4.3 of the Scoping report states that an outline Battery Safety Management Plan (oBSMP) will be produced as part of a suite of operational management plans. We welcome this approach and request further detail on the content of the oBSMP when made available. The Applicant should ensure that the design of the BESS and content of the oBSMP are in accordance with current best practice guidance, including guidance from the National Fire Chiefs Council ([Draft Guidance on Grid Scale Battery Energy Storage Systems \(BESS\) - NFCC](#)).

We strongly recommend that all BESS sites have fully sealed drainage systems, with penstock valves which activate automatically when a fire breaks out and can be operated manually should the automatic mechanism fail for any reason.

Where BESS sites are designed with fire extinguishing systems that do not rely on water, fire crews may still use water for boundary cooling, and this can contain pollutants from the burning units, including any associated chemical leakage, and dust and ash from the air. As such, we expect firewater capture to be included in any design. 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. Operation and activation of penstocks should be included within any maintenance schedule. Firewater must be tested for relevant contaminants to determine if it can be released, or if it needs to be removed from the site for disposal elsewhere.

Where gravel is proposed to be used within an impermeable drainage basin, the operator must demonstrate how they will manage accumulation of silt and pollutants within the base of the gravel. Contaminants from a fire event may accumulate in the gravel even if firewater runoff is identified as being suitable for release. These contaminants would then be released into the natural environment over longer periods of time if not removed or decontaminated. The Applicant should also note that water used for decontamination of the drainage system following removal of contaminated firewater would also require management as this would also be potentially contaminated.

The Applicant's proposals for management of end-of-life, damaged and faulty batteries should be clearly established, as if inadequately managed these could pose a risk of fire propagation and the generation of pollution via leakage or contamination of rainwater runoff which could the surface water drainage system.

The National Fire Chief's Council has published detailed guidance on recommended fire protection measures for BESS sites. We recommend the applicant refers to this when designing the scheme: [Grid Scale Battery Energy Storage System planning – Guidance for FRS \(nfcc.org.uk\)](#).

Table 7.3 states that a Surface Water Drainage Strategy will be developed, which will include measures to ensure that sufficient fire water and containment procedures are provided. We look forward to reviewing this.

Commitments towards protecting water quality

The Applicant should include commitments to manage risks to surface water and groundwater quality, including a securing mechanism (such as the oCEMP). Items we would expect to see in the Commitments Register include but are not limited to:

- Design of BESS layout and surface water drainage network in accordance with best practice guidance, including full containment of reasonable worst case firewater volumes coincident with a heavy rainfall event;
- Foundation Works Risk Assessment for deep foundation structures and piles;
- Siting of BESS and substation sites away from sensitive water receptors including areas of high groundwater vulnerability, abstractions and GWDTEs;
- Where possible, avoiding routing connection cabling through high groundwater sensitivity areas such as SPZ1 and SPZ2;
- Water Features Surveys and Hydrogeological Risk Assessments for all proposed trenchless water body and sensitive ecological site crossings, and the preparation of drilling fluid breakout plans for all trenchless crossings;
- Hydrogeological Risk Assessments for any dewatering activities proposed within influencing distance of sensitive groundwater receptors;
- The avoidance of PFAS-containing materials wherever practicable for underground cabling and PV panel arrays.
- Measures to prevent sediment contamination of surface waters (eg. management of wheel wash facilities)

Water Supply

Table 7.3 outlines the proposed water supply requirements and mitigation measures during the operational phase. The Applicant should ensure that emergency water supply for firefighting and any requirement for panel washing is also considered. We encourage the Applicant to consider the use of clean deionized water for panel washing, and to avoid the use of detergents.

The Report does not mention the proposed source of firefighting water in the unlikely event of a fire event. **Should a borehole-fed emergency water supply be required, a groundwater investigation consent may be required. An informative about this is provided at the end of the response.**

PFAS

We strongly recommend that all solar panels are free from Per- and polyfluoroalkyl substances (PFAS). Some solar panels are treated with a PFAS coating. If panels containing PFAS are used, we suggest that there is consideration of this in the Operational Environmental Management Plan (OEMP) and Decommissioning Environmental Management Plan (DEMP). For example, if PFAS coating is damaged there is a risk of persistent chemicals entering the natural environment during heavy rainfall, washing, maintenance, and removal. The OEMP should also incorporate measures to minimise the risk of panel coatings becoming damaged via 'thermal shock' such as if cleaned whilst at a high temperature due to prolonged exposure to sunlight.

The applicant should where possible avoid the use of PFAS-containing products in buried cabling.

The applicant should ensure that any bentonite used for trenchless drilling, or elsewhere in the scheme, has not been treated with chemicals containing PFAS. Fuel, oils and other chemicals, such as cleaning agents and decontaminants, should be PFAS-free wherever possible.

Environmental permits

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 on GOV.UK: [Abstraction licensing strategies \(CAMS process\)](#) and [Apply for a water abstraction or impounding licence](#).

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](#). 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 on our website: [Discharges to surface water and groundwater: environmental permits](#).

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.

Sustainable drainage systems

The Government's expectation is that sustainable drainage systems (SuDS) will be provided in new developments wherever this is appropriate. The Environment Agency supports this expectation. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should:

- be suitably designed
- meet Governments non-statutory technical standards for sustainable drainage systems – these standards should be used in conjunction with the National Planning Policy Framework and Planning Practice Guidance
- use a SuDS management treatment train – that is, use drainage components in series to achieve a robust surface water management system that does not pose an unacceptable risk of pollution to groundwater

Where infiltration SuDS are proposed for anything other than clean roof drainage in a SPZ1, a hydrogeological risk assessment should be undertaken, to ensure that the system does not pose an unacceptable risk to the source of supply.

See the Environment Agency's approach to groundwater protection, position statement G13: [Groundwater protection position statements](#).

4. Waste Management

Waste on site

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether excavated material arising from site during remediation or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- [CL:AIRE Definition of Waste: Code of Practice](#)
- [EA Regulatory Position Statement 215](#): Treating small volumes of contaminated soil and groundwater.

Waste to be taken off site

Contaminated soil that is, or must be, disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan'. The permitting status of any proposed treatment or disposal activity should be clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to [our website](#) for more information.

From: [Andrew Byrne](#)
To: [South Brooks Solar Farm](#)
Subject: EN0110027 - South Brooks Solar Farm
Date: 09 December 2025 10:10:04
Attachments: [25.2079.FH South Brooks Scoping consultation final version.pdf](#)
[HOOM Scoping Opinion submission- South Brooks Solar Farm Final 01_12 Final for submission.pdf](#)

You don't often get email from andrew.byrne@folkestone-hythe.gov.uk. [Learn why this is important](#)

Dear Emily

Further to your letter dated 11th November 2025, please find attached the Council's comments on the Scoping Report.

Please also find attached a representation from the Hands Off Our Marsh community group. This representation does not form part of the Council's own assessment of the scoping report and is independent from this. However in the absence of any wider consultation process on the report, the Council would request that the Planning Inspectorate gives consideration to the points raised in the representation.

Regards

Andrew
Andrew Byrne
Principal Planning Officer
Folkestone & Hythe District Council,
Civic Centre, Castle Hill Avenue,
Folkestone, Kent, CT20 2QY
Office: [REDACTED]
Email: [REDACTED]

Please note that our Civic Centre offices and Contact Centre will be closed from Thursday 25th December 2025 to Sunday 4th January 2026.

If you need to contact us in an emergency, please call 0300 003 0247. Please only phone if there's an emergency causing a threat to health and safety. This might include:

- if you're homeless and have nowhere to stay for the night
- an incident that puts people in immediate danger, such as severe flooding, a collapsing building or an explosion

You can still tell us about changes and supply evidence using our online forms through our MyAccount service and on our website www.folkestone-hythe.gov.uk.

Information on bin collections and free parking over Christmas can also be found online.)

Our Ref: 25/2079/FH
Your Ref: EN0110027
Date: 09 December 2025



By email only
SouthBrooksSolar@planninginspectorate.gov.uk

Dear Ms Park

Re: Scoping Opinion for The South Brooks Solar Farm, Nr Lydd, Kent

I refer to your letter dated 11th November 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.

Chapter 3 (The Proposed Development)

Paragraph 3.3.21 – This paragraph states that the colours of control buildings would be subject to approval by Kent County Council. Folkestone & Hythe District Council must also have approval of key design matters should the scheme be granted consent.

Paragraphs 3.6.1 and 5.10.10 – The applicant states that it is aware of two other NSIP solar projects within the vicinity of South Brooks and that it will explore opportunities to collaborate with other developers to reduce environmental effects, where practicable. The applicant states that, if required, a Joint Report on Interrelationships would be submitted as part of the DCO application. The council considers it essential that a Joint Report on Interrelationships is produced to properly assess and mitigate cumulative impacts of the three NSIP schemes currently being promoted in the Romney Marsh, as produced in other areas of the country, such as with the promoters of the Gate Burton Energy Park, Cottam Solar Park, West Burton Solar Project and Tillbridge Solar Project in Lincolnshire. South Kent Energy Park, a scheme of up to 500MW being promoted by Low Carbon, directly adjoins South Brooks parcels A and B to the south of Old Romney. Shepway Energy Park, a scheme of up to 200MW being promoted by SSE Renewables, is some 4km to the north of South Kent Energy Park, near Newchurch.

Chapter 4 (Planning Policy Context)

Paragraph 4.8.6 – Local Planning Policy – Account should also be taken of policies in the Council's Core Strategy Review, which was adopted in March 2022.

Chapter 5 (Approach to EIA)

In relation to the list on non-statutory bodies that have been engaged to date (5.5.12), the

Council would recommend consultation with the following organisations –

- The Romney Marsh Internal Drainage Board (given the significant field, ditch and watercourse drainage arrangements on the Romney Marsh)
- The Kent Downs National Landscape Unit (for discussion whether the distance from the NL falls within its setting or not)
- The High Weald National Landscape Unit (as above)

Paragraph 5.8.3 – EIA Assessment of Development Phases – The construction phase should also take account of the likely cumulative impacts from the construction of the proposed Shepway Energy Park and South Kent Energy Park (see further below).

Cumulative Effects – Section 5.10.4 sets out criteria for inclusion of approved projects within the local vicinity. It appears to rule out DCO applications that have not yet been submitted. There are two other projects for major solar farms projected to come forward in the Romney Marsh area under the DCO process which have not yet been formally submitted (Shepway Energy Park and South Kent Energy Park), but which have undertaken stage 1 consultation with the local community and (in the instance of Shepway Energy Park) have been subject to a scoping opinion from PINS. Both are timetabled to come forward for submission prior to the South Brooks Solar Farm proposals. Whilst all three projects remain in the early stages of engagement, it is critical that the cumulative impacts of these projects are considered within the Environmental Statement.

Chapter 6 (Biodiversity)

The site is located within an ecologically sensitive area, immediately adjacent to a Special Protection Area and Ramsar sites and a Special Area of Conservation, adjacent to and partially within a SSSI and adjacent to a National Nature Reserve. Underground cabling is shown to potentially extend within all the above areas. These areas have been accurately identified on the submitted plans. The Council would generally defer to advice from the Kent County Council Ecology team, Natural England and other nature conservation bodies on the scope of this topic matter. With reference to Local Guidance under paragraph 6.2.1, account should also be taken of the Folkestone and Hythe District Green and Blue Infrastructure Strategy (July 2023), which identifies priorities for biodiversity enhancement. With reference to Local Planning Policy, policies CC6, NE2, NE5 and NE9 of the Folkestone and Hythe Places and Policies Local Plan (PPLP) and policy CSD4 of the Core Strategy (CS) are of most relevance to this chapter.

Chapter 7 (Hydrology)

The Council would generally defer to advice from the Environment Agency, the Lead Local Flood Authority and the Romney Marsh Internal Drainage Board on the scope of this topic matter (this Council also recommends that the applicant consults directly with the IDB as part of its preparation of the Environmental Statement). Under Paragraph 7.2.1, Policy CC6 relates to the PPLP and not the CS. Policy SS3 is a Core Strategy Policy. In respect of flood risk, much of the site falls within flood zones 2 and 3. It is noted that this chapter does not provide detail on application of the sequential test or the catchment area for consideration of alternative sites. The Council considers that a sequential assessment should be undertaken and set out within the ES.

Chapter 8 (agricultural soils)

Under paragraph 8.2.2, policy HW3 of the PPLP is relevant, as is Policy CSD4 of the Core

Strategy Review.

All Grade 1 agricultural land and a significant proportion of grade 2 agricultural land within the District is located within the Romney Marsh area. The ES should provide information on the extent of BMV land to be removed from use through the development, as well as the cumulative loss when taking into account the two other solar farms proposed to come forward under the NSIP process within the Romney Marsh area, both of which would result in the loss of Grade 1 and 2 agricultural land. The significance of high-grade agricultural land to be removed from the three schemes should be fully scoped within the ES.

Details of alternative locations utilising lower grade agricultural land should be included in the ES.

Chapter 9 (Archaeology)

The Council would defer to advice from the Kent County Council Archaeologist and Historic England on this subject matter.

Paragraph 9.2.1 – Local Guidance – The Folkestone & Hythe District Heritage Strategy has recently been updated (2025). Account should be taken of the accompanying heritage theme papers, particularly: Theme 1a, Landscape – Romney Marsh; Theme 1c, Landscape – Dungeness; Theme 2b – Cinque Ports; Theme 3c – Romney, Hythe & Dymchurch Railway; Theme 4c – Safeguarding the Coast; Themes 5a to 5f – Defence; Theme 6 – Church; Theme 7 – Settlement; Theme 8 – Farming and Farmsteads; Theme 10 – Transport; Theme 11 – Archaeology; Theme 12 – Built Heritage; Theme 13 – Conservation Areas; and Case Study 4 – Dungeness.

Chapter 10 (Built Heritage)

With reference to Local Guidance under 10.2.1, the Folkestone & Hythe Heritage Strategy has recently been updated (2025) - [Heritage strategy | Folkestone & Hythe District Council](#). Account should also be taken of the heritage strategy theme papers (see above).

The study area for built heritage is not shown on the plan identifying heritage assets (Figure 2.2). It is not clear whether all heritage assets have been identified within the relevant area.

Section 10.5.2 and Table 10.2 – this presents a list of heritage assets and non-designated heritage assets proposed to be scoped out of detailed assessments, and includes a range of scheduled monuments, listed buildings and conservation areas. Many assets are in locations where the setting is influenced by the flat and far-reaching open landscape and should not be scoped out at this stage. Non-designated assets are not identified in the table. Whilst some of these may ultimately justify being scoped out, the assessment is insufficient to accept that all should be scoped out. There is no visual material to justify that setting will not be affected and the wider exposed landscape setting forms a key component to a number of assets. With regard to Table 10.2 it should be noted that the settlements are East Guldeford, not 'East Guideford' and Littlestone-on-Sea, not 'Littleton-on-Sea'.

Chapter 11 (Landscape and Visual)

Paragraph 11.2.1 – Local Guidance – Account should be taken of the Council's High Level Landscape Appraisal (AECOM, 2016).

Section 11.4.8 – the Council would welcome discussion with the applicant regarding the scope of the LVIA including the study area. Given the flat exposed character of the landscape, effects on landscape and visual receptors may extend well beyond the distance currently identified, and potentially as far as elevated landscapes to the north and west, including National Landscapes.

11.4.10 – The baseline data should include the Council's High Level Landscape Appraisal (AECOM, 2016).

Paragraph 11.4.30 – Account should be taken of the Council's High Level Landscape Appraisal (AECOM, 2016).

Paragraph 11.4.33 – In addition to views from the Romney, Hythe & Dymchurch Railway, views of visitors to the Old Lighthouse at Dungeness should also be considered. The Lighthouse is a popular visitor attraction to the south-east of South Brooks E which provides panoramic views across the area at a height of around 40 metres above ground level.

11.6.3 Before scoping out impacts upon the Kent Downs and High Weald National Landscapes, the Council would expect views to be agreed from vantage points and images to be provided, including cumulative impacts arising from the two other NSIP sites for solar development in the locality. Similarly, before scoping out changes to views and visual amenity of people at their place of work, the Council would expect views to be assessed from the Mountfield Road Industrial Estate in New Romney, a growing employment area around 200 metres to the north of South Brooks C. It should also be recognised that the Romney Marsh is a largely agricultural area, where receptors' places of work may be fields and farms close to the proposed parcels.

In justification for scoping out landscape and visual effects, it is stated several times in Table 11.1 that *"baseline views and visual amenity are heavily influenced by energy infrastructure."* The council does not accept this characterisation; the South Brooks parcels A to F cover varied landscape character areas that are largely agricultural in character. The South Brooks parcels fall into four Landscape Character Areas (LCAs) assessed within the Council's High Level Landscape Appraisal (HLLA):

- LCA 20 – Romney Marsh Coast (eastern part of South Brooks C).
- LCA 22 – Brookland Farmlands (South Brooks B);
- LCA 25 – Walland Marsh Farmlands (South Brooks A and F); and
- LCA 26 – Dungeness (western part of South Brooks C and South Brooks D and E).

Landscape Character Areas 22, 25 and 26 are assessed within the HLLA as having high sensitivity and as being the least suitable for strategic-scale development in terms of likely impact on landscape character and visual amenity. The eastern part of South Brooks C is within LCA 20 which is assessed as having medium sensitivity, where impact on landscape character and visual amenity will not necessarily be an obstacle to strategic-scale development. Key characteristics recorded for LCAs 22, 25 and 26 include flat, open agricultural landscapes, fields bounded by a network of parallel, linear ditches, narrow winding roads, scattered farmsteads, nucleated settlements, limited tree cover and, in LCA 26, extensive shingle habitats. While the impact of energy infrastructure is noted in the descriptions and views from the areas – high voltage pylons, an existing solar farm, Little Cheyne Court Wind Farm and the Dungeness Nuclear Power Station – these visual elements are not so prominent as to significantly impact the areas' high sensitivity scores.

11.6.3 Lighting during construction and operation has potential for likely significant effects given the construction period and scale of development, and the landscape and ecological sensitivity of the area. The ES should describe the light levels likely to be generated during construction, operation and decommissioning and an assessment of likely significant impacts resulting from lighting from all phases, including at night – together with any embedded mitigation.

Chapter 12 (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 rural lanes for access to some of the land parcels and managing the effects of construction traffic on local residents, particularly in combination with the other NSIP solar farms proposed for the area (see reference to paragraph 5.8.3 above).

Chapter 15 (Human Health)

Paragraph 15.2.2 – Local Planning Policy – Account should be taken of Places and Policies Local Plan Policy HW2 – Improving the Health and Wellbeing of the Local Population and Reducing Health Inequalities.

Chapter 16 (Socio-Economics)

16.4.17 - Drawing 16.2 should include the location of the Romney, Hythe and Dymchurch Railway (RHDR) line, which extends to Dungeness. The assessment should also include the RHDR visitor centre at Dungeness station and the Old Lighthouse at Dungeness.

Paragraph 16.4.18 – With regard to footpaths and rights of way, it should also be noted that the route of the RHDR directly adjoins the eastern boundary of South Brooks C.

Tourism and Recreation – A key part of the tourist appeal of the area relates to the attractiveness of the natural and unique Romney Marsh landscape and impacts on tourism relating to any loss or degradation of the landscape character or appearance should be assessed in the ES.

Agricultural Economy – the ES should assess the significance of impacts on the local economy arising from the removal of agricultural land (including cumulative impacts arising from the 2 other NSIP projects) from production and impacts on persons employed in agriculture and agricultural related businesses.

Chapter 17 (Air Quality)

Paragraph 17.2.1 – Local Guidance – Consideration should be given to Kent County Council's Local Transport Plan (LTP5) 'Striking the Balance', particularly Policy Outcome 7 – 'Road-side air quality improves as decarbonisation of travel accelerates, contributing towards the pursuit of carbon budget targets and net zero in 2050'.

Paragraph 17.4.5 – Regarding reference to air traffic movements at Lydd Airport, it should be noted that there are extant permissions for the airport's expansion: Y06/1648/SH - Construction of a 294 metre runway extension together with an additional 150 metre starter

extension and Y06/1647/SH - Erection of a terminal building (capable of processing 500,000 passengers per annum) and 637 car parking spaces, both approved by the Secretary of State on 10th April 2013.

Paragraph 17.6.3 – Regarding potential cumulative effects of construction dust, it is stated that this is only likely where construction sites are within 250 metres of each other. It should be noted that the proposed South Kent Energy Park directly abuts South Brooks parcels A and B. As highlighted above, a Joint Report on Interrelationships should be produced to properly assess and mitigate cumulative impacts from these schemes.

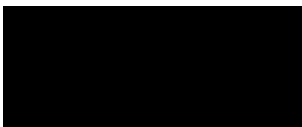
Chapter 19 (Topics scoped out)

Major accidents and disasters – this states that in relation to the BESS, a management plan for battery safety would be prepared and submitted with the DCO application. The Council 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 firefighting on sensitive water and ecological receptors in proximity. The BESS may be located in close proximity to the Dungeness nuclear power station. Whilst this is being decommissioned, the risks of battery fire/explosions on the power station should be addressed. The risk of fire or explosions from the BESS is also relevant to the chapter on human health and should be considered within the ES.

Glint and Glare – whilst this is scoped out using the Technical Advice Page for Scoping Solar Development, the Council is concerned that the proximity of the development to Lydd airport could give rise to air traffic safety impacts and that likely significant effects cannot be ruled out at this stage. This should also be scoped into a major accidents and disasters chapter in the ES.

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

Yours sincerely,



Andrew Byrne
Principal Planning Officer





Scoping Opinion: Community Representation

Re: South Brooks Solar Farm (EN0110027)

Environmental Impact Assessment Scoping Report - November 2025

Submitted to relevant local council departments on behalf of Hands Off Our Marsh CIC

(email: [REDACTED])

This representation is for the attention of the Planning Inspectorate. We request that this community input on environmental issues is appended to the responses of council bodies to PINS as part of the early stage NSIP pre-application process.

Date: 1st December 2025

Summary Table: Requested Scoping Changes by Topic Area

Topic Area	SR/ES Chapter(s)	Requested Change	Why This Matters in Romney Marsh
Air Quality	17	Scope in, full baseline + construction/dust/nitrogen/BESS. Quote: “unlikely to result in significant effects”	Proximity to SAC/SPA/SSSI, sensitive to dust, rural receptors
Land/Groundwater	18	Scope-in; baseline monitoring, full CSM; SPZ protection. Quote: “impacts are not significant and can be scoped out”	Critical public aquifer, SPZs crossed, GWDTEs, saline intrusion risk
Materials/Waste	19	Quantify: tonnage for steel/concrete/glass/ cabling, waste/BESS hazardous; detail on lifecycle.	Flood risk, large volumes, hazardous substances in BESS
Hydrology/Drainage	7	Model field drains, IDB access, ditch connectivity; address “Rochdale Envelope” limits.	Area relies on piped underdrainage, IDB statutory access/ flood management
BMV Land	8	Publish ALC methods and results, clarify compaction/shading impact, reversibility, soil wetness class	Food security, Marsh is productive and difficult to restore
Biodiversity/HRA	6	Publish all bird/bat survey data; confirm scope/method for FLL + HRA, lighting design; incombination HRA	SPA/SSSI dependency, farmland bird declines, bats, FLL ambiguity
Cumulative Impacts	5	List ALL local NSIPs for cumulative; can’t exclude for lack of data	High density of projects, “death by a thousand cuts” risk
Socioeconomics/ Tourism	16	Add tourism volume data; socioeconomic/tourist impact on jobs, Coast Path	International destination, major local employer/ economic pillar

Table 1: Summary of Requested Scoping Changes and Marsh-Specific Context

Executive Summary

This representation is submitted in response to the Environmental Impact Assessment (EIA) Scoping Report for the South Brooks Solar Farm project (Planning Inspectorate Reference EN0110027). It identifies serious deficiencies in the proposed scope of assessment, including inappropriate attempts to scope out key environmental topics, inadequate treatment of Romney Marsh's highly sensitive hydrology, biodiversity, agricultural soils and tourism economy, and an incomplete approach to cumulative impacts with other Nationally Significant Infrastructure Projects (NSIPs) in the area. For a comparable solar NSIP in the same wider landscape context – Shepway Energy Park – the Planning Inspectorate required substantially more detailed information and tighter Rochdale Envelope parameters (including detailed BESS specification and safety assessment, fixed maximum infrastructure heights and footprints, pre-application ALC, drainage stand-offs, HDD breakout and cable-thermal assessments, and explicit BESS fire analysis) than are currently provided for South Brooks, and a similar level of scrutiny is therefore warranted here to ensure consistency and compliance.^{[1][2][3]}

The submission is structured to assist the Secretary of State and the Planning Inspectorate in mapping concerns directly to specific Scoping Report chapters and ensuring compliance with the Infrastructure Planning (EIA) Regulations 2017 and PINS Advice Note Seven on EIA scoping. It highlights, with cross-references, where the applicant's own text and conclusions in Chapters 17 (Air Quality), 18 (Land and Groundwater) and 19 (Materials and Waste) do not provide a robust, evidence-based justification for scoping matters out of the EIA, given the presence of Source Protection Zones, extensive engineered drainage, internationally designated habitats and a heavily tourism-dependent local economy.^{[2][4][5][1]}

In particular, the representation asks that the Scoping Opinion:

- o Requires air quality, land contamination/groundwater, and materials and waste to be fully scoped into the ES, with quantified “reasonable worst-case” assumptions in line with Rochdale Envelope practice, and with additional detail on BESS technology (battery chemistry, container numbers and configuration) and BESS fire/explosion and fire-water run-off risks as PINS has required for other large solar NSIPs.^{[3][6]}
- o Strengthens hydrology and flood-risk requirements to include explicit assessment of Internal Drainage Board (IDB) access and freeboard obligations, the extensive subsurface field drainage network, climate-change allowances, watercourse and ditch crossing inventories, HDD breakout risk, drainage stand-offs from watercourses, and thermal effects from buried high-voltage cables on groundwater and ditch ecology, using the most up-to-date Environment Agency flood and coastal datasets.^{[1][2][3]}
- o Tightens biodiversity and Habitats Regulations Assessment (HRA) expectations, including multi-season bird surveys, transparent publication of breeding and non-breeding bird data, clear Natural England-agreed methodology for Functionally Linked Land (FLL) aligned with favourable conservation status concepts, detailed quantitative lighting design

in line with current bat and lighting guidance, and an HRA approach that fully addresses in-combination effects at Appropriate Assessment stage.^{[7][8][9][2]}

- o Requires a more rigorous assessment of agricultural land (including publication of ALC survey methods, completion of pre-application ALC across all land needed for panels, BESS/substations, cables and haul routes, soil wetness/droughtiness classes and long-term shading/compaction effects, and full BMV area-by-grade tabulation and justification), landscape and visual change (including ZTVs and LVIA based on the tallest infrastructure and Residential Visual Amenity Assessment where indicated), noise, vibration and human health (including decommissioning), socio-economic and tourism impacts (using local visitor data for Dungeness and Romney Marsh), transport (including Abnormal Indivisible Loads and PRoW user evidence), and cumulative effects across all relevant NSIPs and large energy projects in the Marsh.^{[5][2][3][1]}

This submission is expressly intended to assist the Secretary of State in ensuring that the Scoping Opinion secures an Environmental Statement that is complete, proportionate and compliant with the EIA Regulations 2017 and PINS Advice Note Seven, reflects recent PINS practice on comparable solar NSIPs, and properly reflects the exceptional environmental and community sensitivities of Romney Marsh.^{[4][3]}

Introduction and Context

1.1 The Strategic Importance of Romney Marsh

Romney Marsh represents a landscape of exceptional environmental, agricultural, and cultural value, combining internationally important wetland and coastal habitats with some of the most productive agricultural land in England. The area is characterized by:^[1]

- o Critical groundwater resources and engineered drainage systems that protect low-lying communities and farmland from flooding and saline intrusion.^[1]
- o Internationally and nationally designated sites for biodiversity (SAC, SPA, SSSI, Ramsar) that support rare plants, invertebrates, breeding and wintering birds, and intricate ditch and grazing-marsh assemblages.^{[2][1]}
- o Predominantly Grade 1 and 2 “best and most versatile” agricultural land, making a disproportionate contribution to national food security at a time when the UK already imports a large share of its food.^[1]
- o A flat, open and highly distinctive landscape, valued for long views, dark skies, heritage features and quiet recreation, which underpins a local economy significantly reliant on tourism and outdoor amenity, including visits to Dungeness, the wider Romney Marsh, and the England Coast Path.^{[10][5]}

These characteristics mean that even ostensibly “temporary” changes in land use, drainage or infrastructure can have long-lasting consequences for flood risk, groundwater quality, biodiversity, landscape character and the viability of the local agricultural and tourism economies. The Scoping

Report also notes that the Site boundary is “partially located within” the Dungeness, Romney Marsh and Rye Bay SSSI despite no clear development currently proposed within that SSSI area. In this context, it is essential that the ecological mitigation hierarchy (avoid–minimise–restore–offset) is demonstrably applied from the outset, with a clear presumption against development within SSSI land and full transparency over any subsequent design changes that reduce or remove SSSI overlap, so such changes are properly recognised as basic avoidance in line with good practice rather than retrospectively presented as environmental gain.^{[8][11][2][1]}

1.2 Cumulative Development Pressures

Romney Marsh is currently subject to multiple NSIP-scale solar and other energy developments, creating unprecedented cumulative pressures on this sensitive landscape and hydrological system. The Scoping Report acknowledges this context only in high-level terms and does not fully address how this project will interact with other consented and proposed schemes in terms of:^{[2][1]}

- o Hydrological connectivity, groundwater resources and the engineered drainage network (including Internal Drainage Board infrastructure and extensive subsurface field drains).
- o Habitat fragmentation, displacement of species, and loss or degradation of Functionally Linked Land (FLL) supporting qualifying SPA/Ramsar bird populations.^{[8][2]}
- o Flood risk, drainage capacity and maintenance access for the IDB and Environment Agency.
- o Traffic and construction impacts on rural road networks and local communities, including Abnormal Indivisible Loads and construction compounds.^[3]
- o Landscape character, visual amenity and the setting of heritage assets across the Marsh and Dungeness, particularly given the proposed tall substation and BESS infrastructure.^{[12][10]}
- o Socioeconomic effects on tourism, recreation, agriculture and local businesses in a landscape where heritage- and nature-based tourism are key economic drivers.^{[11][5]}

For Shepway Energy Park, a solar NSIP of similar type and strategic context, the Planning Inspectorate required a materially more stringent approach to cumulative assessment, including a clearly justified Rochdale Envelope with fixed maximum parameters for all major infrastructure, detailed project lists and functionally defined study areas, full pre-application ALC, explicit BESS fire and HDD breakout assessment, cable-thermal analysis, and topic-specific cumulative methodologies. Given the similarity in technology, scale and setting, a comparable level of scrutiny and information is needed for South Brooks to ensure consistent decision-making, robust cumulative assessment and compliance with the EIA Regulations and PINS Advice Note Seven.^{[4][3]}

1. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
2. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
3. <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110017-000003-EN0110017-Shepway-Energy-Park-Scoping-Opinion-2017-EIA-Regs.pdf>

4. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>
5. <https://romneymarshhistory.co.uk/tourismbusiness>
6. <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010133-000444-C7.9 Outline Battery Storage Safety Management Plan.pdf>
7. <https://www.gov.uk/guidance/appropriate-assessment>
8. <https://publications.naturalengland.org.uk/publication/5359972901453824>
9. <https://tamlite.co.uk/wp-content/uploads/2023/08/41867-ILP-GN08-FINAL-1.pdf>
10. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>
11. https://rdcpublish.blob.core.windows.net/website-uploads/2020/01/SUPPORTING_DOCUMENT_4_Visitor_Assessment.pdf
12. <https://www.folkestone-hythe.gov.uk/planning/romney-marsh-solar-farm-planning-applications/4>

2. Challenge to Inappropriately Scoped-Out Topics

2.1 Air Quality (Chapter 17)

Applicant's Position:

The Scoping Report states that air quality effects are “unlikely to result in significant effects” and therefore can be scoped out of further assessment in the Environmental Statement, on the basis of the rural location and limited anticipated emissions during construction and operation.^[1]

Our Concerns:

Air quality must not be scoped out. The justification in Chapter 17 relies on general statements about low emissions rather than a quantified, Romney Marsh-specific assessment:^[1]

- o **Construction Phase Impacts and Sensitive Receptors:**

No robust evidence is provided for the volume, duration, routing or timing of Heavy Goods Vehicle (HGV) and construction traffic movements. On narrow rural roads serving scattered settlements, designated sites and tourism assets, such movements have clear potential to generate dust and NO_x, including along access routes as well as within the site. The site lies within close proximity of highly sensitive ecological receptors, including SAC/SPA/SSSI/Ramsar features that are vulnerable to both construction dust and nitrogen deposition. Without a quantified Construction Dust Assessment and dispersion assessment, it is not credible to assert that effects are “unlikely to be significant”.^{[2][3][1]}

- o **Proximity to Designated Sites and Nitrogen Deposition:**

The internationally important Dungeness, Romney Marsh and Rye Bay designations include species and habitats known to be sensitive to air pollution, including lichens and bryophytes. Any additional nitrogen or dust loading – especially when added to the baseline and in-combination with other energy projects – must be explicitly assessed, not assumed negligible.^{[4][5]}

- o **Cumulative Effects and Other Projects:**

Multiple large solar and energy schemes are proposed or operational across Romney Marsh. Construction phases could overlap, leading to concurrent HGV movements and dust/emission peaks on shared access roads and near shared receptors. A project-only view risks underestimating these effects.^{[6][2]}

- o **Battery Energy Storage System (BESS) Incident Scenarios:**

The Scoping Report does not address air quality implications of potential thermal runaway or fire events in BESS containers (e.g. smoke, toxic gases). Even if low-probability, such scenarios must be assessed for both human and ecological receptors, including worst-case meteorological conditions and fire-water run-off effects, in line with PINS expectations for similar NSIPs.^{[7][6]}

Why This Matters in Romney Marsh:

Romney Marsh hosts internationally designated habitats and a tourism-dependent community whose attractiveness relies heavily on environmental quality and tranquillity; even temporary or localised air quality deterioration can have disproportionate ecological and perceptual impacts in such a setting.^{[8][4]}

Recommendation:

Air quality must be scoped into the ES and include:

- o A quantified Construction Dust Assessment and traffic-related emissions assessment, using reasonable worst-case HGV and construction traffic scenarios, aligned with current IAQM guidance.^[2]
- o Assessment of nitrogen deposition and dust impacts on nearby SAC/SPA/SSSI/Ramsar features and Functionally Linked Land.
- o Cumulative assessment of construction and operational emissions with other major energy and infrastructure projects in and around Romney Marsh.
- o Explicit consideration of BESS thermal incident scenarios and resulting air quality and health risks, including smoke and toxic gas dispersion and fire-water run-off to ditches and drains.^{[6][7]}

2.2 Land Contamination and Groundwater (Chapter 18)

Applicant's Position:

Chapter 18 concludes that potential impacts on land quality and groundwater are “not significant” and can largely be scoped out on the basis that standard surface-water and groundwater protection measures will be employed and that potential effects on geological SSSI features are limited.^[1]

Our Concerns:

Given the presence of Secondary A aquifers, Source Protection Zones and groundwater-dependent ecosystems beneath and around the site, the decision to scope out land contamination and groundwater is fundamentally inappropriate:^{[4][1]}

- o Source Protection Zones and Aquifer Sensitivity:
The cable routes and development parcels intersect multiple Source Protection Zones protecting public and private water supplies. Any intrusive works (piling, trenching, dewatering) within SPZs can introduce or mobilise contaminants and alter flow paths. A generic commitment to “good practice” is no substitute for a full Hydrogeological Risk Assessment.^{[9][1]}
- o Lack of Baseline Monitoring and Conceptual Site Model (CSM):
There is no evidence of a robust baseline groundwater monitoring programme across seasons, nor of a conceptual site model that identifies sources, pathways and receptors (including SPZ abstractions, private boreholes, ditches and groundwater-dependent

terrestrial ecosystems). Without these, it is impossible to conclude that effects are “not significant”.^[9]

- o Construction-Phase Contamination Pathways:

Trenching and piling may create preferential pathways; fuel, oil, concrete and chemical use introduce spill risks; dewatering (if required) can mobilise existing contaminants and alter groundwater levels; earthworks in wet conditions can drive sediment and pollutant movement towards drains and ditches. All these pathways must be identified and assessed quantitatively.^[1]

- o Legacy and Radiological Contamination:

The long agricultural history of the site points to potential residues of pesticides, herbicides, fertilisers and fuel. In addition, the strategic context of Dungeness nuclear facilities underscores the need to rule out radiological or other legacy contamination risks along cable routes and within drainage catchments.^{[10][1]}

- o Saline Intrusion and Climate Change:

The coastal location and low-lying nature of Romney Marsh make the freshwater–saltwater balance particularly sensitive. Earthworks, drainage changes and climate-driven sea-level rise could interact to alter saline intrusion risk into freshwater aquifers and drainage ditches, with knock-on effects for water supply and ecosystems.^{[11][4]}

- o Groundwater-Dependent Ecosystems (GWDTEs) and Ditch Networks:

Wetland habitats and ditch systems associated with designated sites rely on specific groundwater and surface-water regimes. Even modest changes in water level, chemistry or flow patterns can cause ecological degradation, which must be considered both in EIA and HRA.^{[3][12]}

Why This Matters in Romney Marsh:

The Marsh’s aquifer and engineered drainage system underpin drinking-water supplies, agriculture, flood defence and wetland ecology. Any failure to characterise and protect groundwater properly risks irreversible harm to these inter-linked functions.^[4]

Recommendation:

Land contamination and groundwater must be fully scoped into the ES, supported by a comprehensive Hydrogeological Risk Assessment that includes:

- o At least 12 months of baseline groundwater monitoring (levels, flow directions and chemistry).
- o A detailed conceptual site model covering all relevant sources, pathways and receptors (including SPZs, abstractions, ditches and GWDTEs).
- o Quantitative risk assessment of all construction and operational activities (including piling, trenching, dewatering, spills and BESS compounds).

- o Assessment of saline intrusion risk under climate-change scenarios.
- o Phase 1 and, where indicated, Phase 2 site investigations with appropriate chemical and geotechnical testing.
- o A clear mitigation and monitoring strategy, showing how risks will be avoided, reduced, managed and, where necessary, remediated.^{[13][9]}

2.3 Materials and Waste (Chapter 19)

Applicant's Position:

The Scoping Report proposes to scope out materials and waste on the basis that impacts are largely controlled through existing permitting regimes and regulatory controls at off-site manufacturing and waste-management facilities.^[1]

Our Concerns:

Materials and waste cannot be scoped out for a scheme of this unprecedented scale on Romney Marsh:^{[14][1]}

- **Scale and Quantification of Materials Demand:**

A development of this size will require very substantial quantities of steel, aluminium, glass, cabling, concrete, aggregates and battery units. Without quantified “reasonable worst-case” estimates for key materials, it is impossible to assess impacts on supply chains, embodied carbon, transport and local road networks.^[6]

- **Transport Movements and Local Roads:**

Construction and decommissioning will involve high volumes of HGV movements delivering materials and removing waste, on a rural road network already under pressure from other large projects. These movements have direct implications for air quality, noise, road safety and disturbance, and must be assessed cumulatively rather than dismissed as a matter for generic “good practice”.^{[14][2]}

- **Hazardous and Difficult Wastes (Including BESS):**

The project will generate or handle hazardous wastes, including:

- o BESS components and electrolyte materials.
- o Photovoltaic modules containing metals and other substances of concern.
- o Potentially SF₆-containing switchgear.
- o Contaminated soils and sludges where excavation intersects existing pollution.

The Scoping Report provides no scenario-based assessment of how such wastes will be stored, transported, treated or disposed of under normal operation or failure scenarios, despite PINS requiring BESS waste and firewater impacts to be addressed for similar schemes.^{[7][6]}

- **Decommissioning and Long-Term Legacy:**

Over a proposed multi-decade operational life, large quantities of solar panels, structures, cabling and BESS units will eventually reach end-of-life. Without a clear decommissioning strategy, there is a risk of stranded assets, unmanaged waste streams and residual contamination, particularly in flood-prone and groundwater-sensitive land.^{[6][1]}

- **Cumulative Materials and Waste Across NSIPs:**

With several mega-solar and battery schemes proposed across Romney Marsh and Kent, the combined demand for materials and the cumulative burden on regional waste-management capacity are likely to be significant. These must be addressed explicitly in the EIA, not assumed negligible.^{[14][6]}

Why This Matters in Romney Marsh:

The Marsh's constrained road network, flood-prone land and sensitive aquifer/drainage system mean that large volumes of materials and waste carry disproportionate risk during both delivery and removal phases, especially when combined with other major schemes.^{[4][14]}

Recommendation:

Materials and waste must be fully scoped into the ES, including:

- o Quantified, reasonable worst-case estimates of key construction and decommissioning materials (steel, glass, aluminium, cabling, concrete, aggregates, BESS units).
- o Forecasts of HGV and other construction/decommissioning traffic movements linked to material and waste flows, assessed for both standalone and cumulative effects.
- o Identification and assessment of all hazardous and difficult wastes, including BESS failure scenarios and contaminated soil management, with clear storage, handling and disposal routes.
- o A high-level but credible decommissioning and waste-management strategy, showing how materials will be recovered, recycled or disposed of, and how pollution risks will be controlled on flood- and groundwater-sensitive land.
- o Consideration of circular-economy and waste-hierarchy principles, demonstrating how the project will minimise primary resource use and maximise recovery.^{[13][6]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-on-cumulative-effectsassessment>
3. <https://www.gov.uk/guidance/appropriate-assessment>
4. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
5. https://rdcpbublic.blob.core.windows.net/website-uploads/2020/01/SUPPORTING_DOCUMENT_4_Visitor_Assessment.pdf
6. https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110017-000003-EN0110017_Shepway_Energy_Park_Scoping_Opinion_2017_EIA_Regs.pdf
7. https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010133-000444-C7.9_Outline_Battery_Storage_Safety_Management_Plan.pdf
8. <https://romneymarshhistory.co.uk/tourismbusiness>

9. https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010135-000574-SSG_5.4A_ES_Vol_4_Appx_10.3_WFD_Assessment.pdf
10. https://rdcpublic.blob.core.windows.net/website-uploads/2020/01/SUPPORTING_DOCUMENT_1_Nature_Conservation_reduced.pdf
11. https://www.southernwater.co.uk/media/nzjbtjg/annex_18_sea_report-1.pdf
12. <https://www.doverdistrictlocalplan.co.uk/uploads/pdfs/habitat-regulation-assessment-of-the-draft-localplan-2020.pdf>
13. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>
14. https://democracy.kent.gov.uk/documents/g9748/Public_reports_pack_09th-Sep-2025_10.00_Environment_Transport_Cabinet_Committee.pdf?T=10

3. Inadequacy of Scoped-In Assessments

3.1. Hydrology, Flood Risk, and Drainage

Our Concerns:

While flood risk is scoped into the assessment (Scoping Report Chapter 7), the proposed approach is incomplete and underplays the particular sensitivities of the Romney Marsh drainage system, aquifer, and field-scale hydrology.^{[1][2]}

1. **Romney Marsh Drainage System Sensitivity and IDB Duties:** Romney Marsh relies on an engineered network of drains, ditches, sewers and pumping infrastructure managed by the Environment Agency and the Internal Drainage Board (IDB). Even modest changes to surface water runoff, infiltration, or connectivity could have significant downstream consequences for flood risk, agricultural land drainage and ditch ecology. The Scoping Report does not identify, or propose to assess, the IDB's statutory requirements for maintaining access to ditches and structures for inspection, maintenance and dredging, or maintaining operational freeboard and water-level management across the catchment. The ES must explicitly assess how construction and operation will maintain IDB access to all relevant ditches, banks and structures, and how freeboard and operational levels will be protected under both current and future climate scenarios.
^{[2][1]}
2. **Flood Zones, Runoff and Storage:** The majority of the proposed development is within Flood Zones 2 and 3, with tidal influences and local areas of surface-water risk highlighted in the Scoping Report. Large-scale solar infrastructure, access tracks, compounds and substations (including BESS units up to 6m high and substations up to 15m high on reinforced concrete bases up to 2m deep) risk: increasing surface-water runoff rates and volumes; reducing infiltration capacity through soil compaction; displacing existing flood storage and altering overland flow paths; and constraining access to ditches and culverts during flood events. These effects must be quantified using Romney-Marsh-appropriate hydraulic modelling and not left at a qualitative level.
^{[1][2]}
3. **Artificial Field Drainage Systems – Critical Omission:** The Scoping Report recognises the surface ditch network but fails to acknowledge or assess the extensive subsurface artificial drainage pipe systems that underlie the agricultural fields proposed for development. Romney Marsh farmland is heavily dependent on underdrainage networks of perforated pipes that transfer excess water from the soil profile into the ditch system, preventing waterlogging, maintaining soil structure and enabling food-producing agriculture. Construction and operation pose severe risks to these systems through pipe severance or crushing during piling and trenching, soil compaction by heavy plant, sediment ingress and blockage, and alteration of gradients and outfalls. Damage or loss of artificial drainage would likely result in persistent waterlogging and loss of agricultural productivity, increased runoff burdening ditches and raising flood risk, soil structural degradation, knock-on ecological effects on margins and hedgerows, and potential changes to groundwater recharge. The ES must therefore include comprehensive survey and mapping of all artificial

drainage infrastructure across the development site (depth, alignment, materials, condition and connectivity), assessment of construction methodologies and plant access routes in relation to drainage integrity, design of protection/diversion/replacement strategies agreed with landowners and the IDB, post-construction monitoring, and clear financial provisions for restoration or compensation.^[1]

4. **Rochdale Envelope and Hydrological Uncertainty:** The Scoping Report relies heavily on Rochdale Envelope principles, presenting wide parameter ranges for key design elements such as piling depth, ground cover ratio, access-track widths, impermeable area percentages, and, critically, BESS and substation dimensions (BESS units up to 6m high; substations up to 60,000m² footprint and 15m high, with 2m-deep concrete foundations). Hydrological and flood-risk effects cannot be robustly assessed while these parameters remain open-ended. The Scoping Opinion should therefore require that a set of hydrology-critical design parameters (including maximum impermeable area, typical and maximum pile depths, maximum BESS and substation footprints and heights, track specifications and compound areas) is fixed and adopted as a “reasonable worst-case” for all flood and drainage modelling, and that any subsequent design change that would materially increase flood or drainage impacts is explicitly re-assessed and reported.^{[3][1]}
5. **Climate Change Scenarios:** Given the effective design life and decommissioning horizon of the project, the Flood Risk Assessment must apply the latest relevant climate-change allowances for peak rainfall, sea-level rise and fluvial/tidal interaction across the 60–100-year timescale, and consider combinations of higher rainfall, reduced infiltration (from compaction and infrastructure), and raised baseline water levels in the Marsh drainage system.^{[2][1]}
6. **Watercourse Crossings and Ditch Morphology:** Cable routes and access tracks will cross multiple named watercourses and IDB drains, including Jurys Gut Sewer, Dengemarsh Sewer and associated ditches. The ES must specify and assess crossing methods (trenched, HDD, culverts, bridges), potential impacts on channel morphology, conveyance capacity and bank stability, implications for aquatic habitats and riparian vegetation, and IDB and Environment Agency access and maintenance implications.^[1]
7. **Cumulative Drainage Impacts:** The Scoping Report gives only high-level treatment to cumulative effects, yet Romney Marsh is already subject to multiple large-scale solar and energy projects whose combined effect on drainage capacity, groundwater recharge and pumped systems may be substantial. The ES must evaluate the aggregate reduction in infiltration and increase in runoff from all relevant NSIPs and significant energy schemes in the Marsh, and the cumulative implications for IDB operations, pumping demand, ditch maintenance and residual flood risk to settlements and agriculture.^{[2][1]}

Recommendation:

The ES must provide a Romney-Marsh-specific hydrology and flood-risk assessment that includes: fixed “reasonable worst-case” design parameters for all hydrology-relevant infrastructure under the

Rochdale Envelope; detailed hydraulic modelling and a Surface Water Drainage Strategy incorporating SuDS calibrated for Marsh conditions; full survey and assessment of subsurface artificial field drainage networks, with clear protection, diversion and/or replacement commitments; assessment of impacts on IDB infrastructure, operational freeboard and statutory access requirements, informed by direct consultation with the IDB and Environment Agency; climate-change sensitivity analysis to at least 2100; assessment of all watercourse and ditch crossings on morphology, capacity and ecology; and cumulative hydrological and drainage impact assessment across all relevant NSIPs and major energy schemes in the Romney Marsh catchment.^{[2][1]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
3. [https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda EIA Scoping Report.pdf](https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda_EIA_Scoping_Report.pdf)

3.2.Biodiversity and Habitats Regulations Assessment

Our Concerns:

While biodiversity is scoped in, the current approach to baseline surveys, valuation and Habitats Regulations Assessment (HRA) remains incomplete and lacks the transparency and specificity required for such a sensitive location close to internationally designated sites and Functionally Linked Land (FLL).^{[1][2]}

1. **Survey Effort, Seasonality, and Transparency:** The Scoping Report states that breeding, wintering and passage bird surveys, habitat mapping and a range of species-specific surveys are underway or completed but does not commit to publish the underlying survey reports or to clearly explain how these data will be used to define and protect key ecological features. Given the presence of Schedule 1 birds, Schedule 5 invertebrates, water voles, great crested newts, rare plants and notable farmland birds, multi-season, multi-year data must be fully reported within the ES, including methods, coverage, limitations and raw data summaries. In particular, the completed breeding bird survey and territory mapping exercise must be published in full, with mapped territories for key species (including Tree Sparrow, Skylark, Yellowhammer and Corn Bunting) to inform avoidance and buffering of hedgerows and field margins. Given reference to the NERC Act 2006, the ES should also confirm the survey and assessment approach for NERC Section 41 species known on the peninsula such as Harvest Mouse, Brown Hare and Hedgehog, or provide robust justification for any decision to scope these out.^{[3][1]}
2. **Hedgerows, Farmland Birds, and Habitat Valuation:** Many hedgerows are described in the Scoping Report as “defunct” or “species poor”, yet breeding bird work and local ecological evidence identify their use by Tree Sparrow (of at least county importance) and declining farmland birds such as Yellowhammer and Corn Bunting. Treating these linear features as low ecological value is inconsistent with their demonstrated role as nesting and foraging habitat, and the use of broad statements about “low” breeding bird density is misleading if it fails to reflect the geographic importance of specific species (e.g. Tree Sparrow at county level, Skylark at least local/district level). The ES must therefore: (a) treat hedgerows and associated field margins as key ecological features in both EclA and HRA; (b) explicitly value farmland bird assemblages using recognised geographic importance scales; and (c) show how the design will retain, buffer and enhance these hedgerows, including where they form flightlines or foraging routes between designated sites/FLL and the wider countryside.^[1]
3. **Functional Habitat Connectivity and Functionally Linked Land (FLL):** Non-breeding bird surveys are said to be identifying land within the site that is “frequently utilised” by SPA and Ramsar notified features so as to identify FLL. However, no definition of “frequently utilised” is given, and there is no published methodology, mapping or threshold for classifying land as FLL. The term “frequently” can be interpreted very differently, and must be grounded in objective, evidence-based criteria. The ES and HRA must therefore: (a) use a definition and criteria for FLL aligned with Natural England’s guidance on functional linkage and favourable conservation status, agreed with Natural England in advance, and drawing on both current survey and historical data;

(b) publish the FLL survey methods, spatial coverage and analysis; (c) map all areas of FLL and show how they will be avoided, buffered or compensated through design and mitigation; and (d) explicitly assess effects on qualifying species in terms of maintaining or restoring populations at favourable conservation status.^{[4][5][1]}

4. **Indirect Hydrological Impacts on Biodiversity:** Changes in groundwater levels, surface water quality, ditch water levels and artificial drainage performance could indirectly affect ditch communities, wet grassland and other wetland habitats within and beyond the site boundary, including in designated sites and FLL. These pathways must be clearly modelled and then integrated into both EclA and HRA, rather than treated purely as hydrology/flood-risk issues, with explicit assessment of how altered hydrology may affect qualifying features and other sensitive ecological receptors.^{[6][1]}
5. **Artificial Light Impacts and Detailed Lighting Design:** The Scoping Report mentions potential lighting effects but does not commit to a quantitative Detailed Lighting Design. For both birds and bats, this is inadequate so close to internationally important wetland sites and key flight corridors. The ES must therefore provide: (a) a Detailed Lighting Design with lux contour plots at agreed distances, spectral characteristics, hours of operation and control regimes, following current good practice (e.g. ILP GN08/23 on bats and artificial lighting); (b) assessment of lighting impacts on nocturnal and crepuscular species (including bats) and on migratory and breeding birds, including barrier and attraction effects; and (c) secured commitments to maintain dark corridors and minimise light spill towards designated sites, FLL and key hedgerow/linear features, with these measures embedded and enforceable via DCO requirements.^{[7][8][1]}
6. **Habitats Regulations Assessment – Approach and In-Combination Effects:** Given the clearly foreseeable potential for significant effects on European and Ramsar sites, Appropriate Assessment under the Habitats Regulations will be required. The Scoping Opinion should therefore: (a) assume from the outset that an Appropriate Assessment is necessary; (b) require that in-combination effects with other NSIPs and relevant plans/projects are assessed at the HRA stage, not deferred; and (c) ensure that mitigation measures relied on in HRA are secured through enforceable DCO requirements and clearly cross-referenced in the ES.^{[2][9][1]}
7. **Use of Buildings by Protected Species:** The Scoping Report states that no demolition works are currently proposed, yet there are buildings within the Site known to be used by wildlife, including nesting Barn Owl and Kestrel. The ES must: (a) ensure that all such buildings are surveyed to appropriate current guidance; and (b) make clear that any subsequent design change introducing demolition or major works to these structures would trigger updated survey, assessment and, where necessary, licensing and mitigation.^[1]
8. **Natural England Engagement, oLEMP, and Transparency:** All biodiversity survey reports, FLL analyses, HRA screening and Appropriate Assessment documentation must be submitted to and discussed with Natural England and made available to the public as part of the examination documentation. The Outline Landscape and Ecology Management Plan (oLEMP) should set out a

clear framework for ongoing ecological monitoring and adaptive management, including triggers for additional habitat enhancement where monitoring shows that predicted outcomes are not being achieved. This transparency is essential to allow independent scrutiny of survey adequacy, FLL identification, lighting and hydrology impact pathways, and proposed mitigation.^{[3][4][1]}

Recommendation:

The biodiversity and HRA work must be strengthened to include: comprehensive, multi-season and multi-year surveys with full reporting and publication of breeding bird and other key survey data; explicit recognition and protection of hedgerows and field margins supporting Tree Sparrow, Skylark, Yellowhammer, Corn Bunting and other notable species; a Natural England-aligned methodology for defining, mapping and securing Functionally Linked Land in terms of favourable conservation status; quantitative Detailed Lighting Design and dark-corridor commitments based on current guidance; an HRA that assumes Appropriate Assessment and fully addresses in-combination effects with other projects; clear treatment of buildings used by protected species; and full transparency and Natural England engagement on all biodiversity, FLL and HRA outputs, supported by an oLEMP that embeds monitoring and adaptive management.^{[2][4][1]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.gov.uk/guidance/appropriate-assessment>
3. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>
4. <https://publications.naturalengland.org.uk/publication/5359972901453824>
5. <https://publications.naturalengland.org.uk/publication/6303434392469504>
6. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
7. <https://tamlite.co.uk/wp-content/uploads/2023/08/41867-ILP-GN08-FINAL-1.pdf>
8. <https://www.southandvale.gov.uk/app/uploads/2024/09/South-Vale-Lighting-Design-Guidance.pdf>
9. https://www.legislation.gov.uk/ukia/2025/155/pdfs/ukia_20250155_en.pdf

3.3.Landscape, Visual Impact, and Heritage

Our Concerns:

Romney Marsh is recognised as a nationally distinctive landscape, characterised by flat, open grazing marsh, big skies and coastal shingle, and containing a rich assemblage of heritage assets and historic landscape features. The Scoping Report acknowledges these interests but underestimates their sensitivity and the potential for significant, and potentially transformative, change arising from very large, tall built elements such as Battery Energy Storage System (BESS) units and on-site substations.

[1][2][3]

1. **Landscape character and sensitivity, including tall structures**

The ES must explicitly acknowledge Romney Marsh's recognition as a distinct National Character Area and as a key part of local and regional landscape strategies. Within this context, the proposed industrial-scale solar arrays are accompanied by BESS units up to 6m high and substations with an indicative footprint of up to 60,000m² and a maximum height of 15m on reinforced concrete foundations up to 2m deep. These structures are comparable in height to multi-storey buildings and on a footprint akin to major industrial facilities, representing a very substantial vertical and volumetric intrusion into an otherwise low, flat, generally open landscape. The LVIA must therefore:[2][1]

- o Treat these maximum dimensions as "reasonable worst-case" parameters under the Rochdale Envelope and explicitly assess their visual and character effects.
- o Consider whether such tall, large-footprint elements are inherently incompatible with the prevailing landscape character, even where peripheral screening is proposed.[4][1]

2. **Cumulative landscape transformation**

Multiple solar NSIPs across Romney Marsh risk transforming the landscape from an open, agriculture-dominated mosaic to a contiguous industrial energy platform. The ES must assess this cumulative transformation explicitly, not just as incremental, site-specific change, including:[1][2]

- o Mapping the combined footprint, structural height and visual influence of all relevant solar and energy projects, including turbines, substation compounds and BESS units.
- o Assessing whether a "tipping point" is reached at which the Marsh's distinctive character and sense of openness are effectively lost.

3. **Visual receptors and recreational assets**

The Scoping Report underplays views from: the King Charles III England Coast Path and other PRoW; local settlements and dispersed properties; visitors to Dungeness and the wider Romney Marsh area; and users of Lydd Airport flight paths. The LVIA must therefore:[3][1]

- o Include agreed viewpoints from these locations, with photomontages that clearly depict the full height and bulk of BESS units (up to 6m) and substations (up to 15m), including associated fencing, lighting columns and gantries.

- o Provide, where appropriate, night-time visualisations to show lighting effects on the dark-sky character of the Marsh.

4. **Heritage setting and cumulative heritage effects**

The Marsh contains listed buildings, scheduled monuments and conservation areas whose setting relies on the open, undeveloped character of the grazing marsh and coastal landscape.

The ES must:^{[3][1]}

- o Assess changes to the setting of key heritage assets from both this scheme and other NSIPs, with specific reference to the scale and massing of substation and BESS infrastructure.
- o Consider whether cumulative harm to heritage significance arises from the combined presence of multiple large-scale energy developments and tall structures in views.

5. **Night-time lighting and dark skies**

Romney Marsh currently benefits from relatively dark night skies which contribute to both ecological function and recreational value. The ES must therefore assess: ^[3]

- o Night-time lighting effects from security and operational lighting, including at BESS compounds and substations, in terms of sky-glow, light spill and glare.
- o The degree to which lighting associated with tall infrastructure alters perceived remoteness, tranquillity and the quality of key viewpoints.

6. **Glint, glare and aviation safety**

Given the proximity of Lydd Airport, a glint-and-glare study is essential to ensure aviation safety and to inform Civil Aviation Authority and airport operator consultation. This work should be clearly scoped in and cross-referenced in both LVIA and safety assessments and should consider cumulative effects with other solar schemes.^[1]

Recommendation:

The ES must provide a stronger LVIA and heritage assessment that: explicitly reflects Romney Marsh's recognised landscape character and sensitivity; fully assesses the visual and character implications of BESS units up to 6m high and substations up to 15m high and 60,000m²; considers cumulative landscape transformation from all relevant solar/energy projects; includes robust viewpoint selection, photomontages and night-time visualisations from key receptors including the Coast Path, PRow, settlements, Dungeness and Lydd Airport approaches; assesses effects on heritage settings including cumulative heritage harm; and evaluates night-time lighting and glint-and-glare implications for aviation in consultation with Historic England, local authorities, Lydd Airport and the Civil Aviation Authority.^{[2][1][3]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.ashford.gov.uk/media/y4kjb0f/4-3-nca-123-romney-marshes.pdf>
3. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>
4. <https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda EIA Scoping Report.pdf>

3.4.Agricultural Land and Food Security

Our Concerns:

The Scoping Report acknowledges that the site contains a mix of Grade 1–4 agricultural land and that detailed Agricultural Land Classification (ALC) surveys only began in October 2025, with completion anticipated in January 2026. However, it does not yet provide sufficient assurance on BMV loss, long-term soil degradation risks or food-security implications.^[1]

1. **Best and Most Versatile (BMV) land and incomplete evidence**

Regional mapping indicates the presence of significant areas of Grade 1 and 2 land, but the exact distribution of BMV land on site will only be confirmed once current ALC surveys are complete.

The ES must therefore:^[1]

- o Publish the full ALC survey methodology, including sampling strategy, laboratory analyses and quality assurance.
- o Present definitive, mapped ALC grades and areas, and explicitly quantify any permanent or long-term loss of BMV land.

2. **Wetness, droughtiness and Marsh soil behaviour**

ALC outcomes on the Marsh are highly sensitive to soil wetness and droughtiness classes, which in turn depend on the functioning of artificial drainage and local groundwater and surface-water regimes. The ES must clearly set out:^[2]

- o The assessed wetness and droughtiness classes for each land parcel.
- o How these may be affected by changes to artificial drainage and hydrology arising from the scheme.

3. **Shading, compaction and 60-year operational impacts**

The Scoping Report assumes that the land can be readily restored to agriculture at decommissioning but provides no evidence or examples from comparable long-term solar projects in similarly drained marshland settings. The ES must therefore provide:^[1]

- o Evidence on how 60 years of panel shading, access track compaction, construction traffic and maintenance operations are expected to affect soil structure, organic matter, biology and drainage.
- o Case studies or empirical data showing successful restoration of BMV land under comparable conditions, or else acknowledge and assess the risk that ALC grade may be permanently downgraded.

4. **Food security and policy context**

Conversion of productive BMV agricultural land to solar generation must be justified against national food-security objectives and policy, particularly in the context of increasing import dependence and climate-related risks to global harvests. The ES should therefore assess:^[6]

- o The net change in local and regional food-producing capacity.

- o The significance of BMV loss in the context of planning policy and cumulative losses from other energy and non-energy developments.

5. **Agri-environment schemes and existing public goods**

Any displacement of existing agri-environment schemes that currently deliver biodiversity and landscape benefits must be accounted for as a loss, not simply ignored on the basis that the land is technically “agricultural”. The ES must:^[1]

- o Identify existing schemes and payments.
- o Quantify the value of lost public goods (habitat, landscape, carbon, water quality) and explain how these will be replaced or exceeded by the proposed BNG and mitigation measures.

Recommendation:

The ES must strengthen agricultural land assessment by:

- o Publishing full ALC methodology, mapped outcomes and BMV loss figures.
- o Explaining wetness/droughtiness classes and their interaction with changed drainage regimes.
- o Providing robust, evidence-based analysis of long-term shading and compaction impacts on soil and reversibility.
- o Assessing food-security implications and cumulative BMV loss within policy context.
- o Accounting for displacement of agri-environment schemes and demonstrating how equivalent or better public goods will be delivered.^{[6][2][1]}

3.5.Socioeconomic Impacts

Our Concerns:

The Scoping Report’s socioeconomic baseline (Chapter 16) is thin and does not adequately quantify the tourism, recreation and sense-of-place values associated with Romney Marsh, Dungeness and the Coast Path.^{[7][8][1]}

1. **Tourism and recreation baseline**

Dungeness, the RSPB reserve, Romney Marsh villages and the England Coast Path collectively attract substantial visitor numbers each year, supporting local accommodation, hospitality, guiding and retail businesses. The ES must therefore:^{[8][7]}

- o Use available visitor data (e.g. Dungeness visitor assessments, Romney Marsh Countryside Partnership reports, Coast Path usage statistics) to establish a quantified tourism baseline.
- o Assess how large-scale industrialisation of the Marsh landscape may affect visitor experience, visitation patterns and tourism-dependent employment.

2. **Community character and amenity**

The shift from an open agricultural landscape to a heavily industrialised energy landscape will impact local community character, identity and perceived quality of life, beyond simple economic metrics. The ES must:^[5]

- o Consider qualitative impacts on sense of place, tranquillity and local attachment.
- o Engage with community views through consultation and document the range of concerns.

3. **Public rights of way and access**

Multiple PRoW, including the England Coast Path, crosses or come close to the site. The ES should:^[1]

- o Identify all affected PRoW and bridleways.
- o Assess temporary and permanent impacts on access, route quality and views, including any diversions or mitigation needed.

4. **Agricultural economy**

Loss of productive farmland will have knock-on effects on the local agricultural economy, including farm employment, contractors and agri-supply chains. These effects must be assessed alongside the claimed benefits from construction and operational employment within the solar project.^[1]

5. **Property and local economic value**

Changes in landscape character and amenity may influence local property values and the attractiveness of settlements for residents and businesses. The ES should therefore include professional evidence or at least a reasoned assessment of potential property and investment impacts.^[5]

Recommendation:

The socioeconomic assessment must:

- o Quantify tourism and recreation value using available local data and assess the impact of large-scale industrialisation on these sectors.
- o Address community character and sense-of-place impacts, informed by consultation.
- o Fully assess PRoW and Coast Path impacts and required mitigation.
- o Consider impacts on the wider agricultural economy and local property values as part of a balanced socioeconomic appraisal.^{[7][8][5][1]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
3. <https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda EIA Scoping Report.pdf>
4. <https://www.gov.uk/guidance/appropriate-assessment>
5. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>

6. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>
7. http://www.dungeness-nnr.co.uk/pdf/Shingle_Issue_4.pdf
8. <https://romneymarshhistory.co.uk/tourismbusiness>

4. Cumulative Impact Assessment

4.1. Identified Deficiencies

The Scoping Report's approach to cumulative assessment (Chapter 5.10) is inadequate for a location like Romney Marsh, where hydrology, ecology, landscape and tourism operate at landscape and catchment scales. In particular:^{[1][2]}

- o The applicant proposes to exclude projects where “publicly available data” are limited, and to rely on simple distance or administrative boundaries, rather than hydrological connectivity, ecological linkages or shared landscape character.^[1]
- o In-combination effects under the Habitats Regulations are repeatedly deferred to “future stages”, contrary to the requirement to consider cumulative effects at Appropriate Assessment where significant effects cannot be ruled out at screening.^{[3][1]}

This risks materially underestimating the combined effects of multiple NSIP-scale solar and energy projects on Romney Marsh's drainage system, aquifers, designated sites, landscape character and tourism economy.

4.2. Required Approach

The ES must adopt a more robust, Romney-Marsh-appropriate cumulative methodology which:

- o Defines study areas by functional connectivity (hydrological catchments, ecological networks, landscape character areas, tourism catchments), not just distance or administrative boundaries.^[2]
- o Applies “reasonable worst-case” assumptions (Rochdale Envelope) for other NSIPs where design details are not fixed, instead of screening them out because project information is incomplete.^[4]
- o Integrates cumulative assessment across all relevant topics, including hydrology and drainage, groundwater, biodiversity and FLL, landscape and visual, agriculture, traffic, air quality and socioeconomics, rather than treating each in isolation.^[1]
- o Ensures that in-combination effects for European and Ramsar sites are addressed within the HRA Appropriate Assessment, consistent with Conservation of Habitats and Species Regulations requirements, rather than deferred to later stages.^{[5][3]}

The ES should therefore include comprehensive cumulative impact assessment addressing:

Topic	Cumulative Assessment Requirement
Hydrology and drainage	Aggregate changes in runoff, infiltration and storage across all relevant solar and energy schemes, with implications for Romney Marsh drainage capacity, pumped systems, IDB operations and flood risk.
Groundwater and SPZs	Overlapping effects on aquifer recharge, drawdown and contamination risk where multiple cable routes and foundations intersect SPZs and sensitive aquifer zones.
Biodiversity and FLL	Combined habitat loss, fragmentation, disturbance and displacement for qualifying species of Dungeness, Romney Marsh and Rye Bay SAC/SPA/Ramsar and associated Functionally Linked Land.
Landscape and heritage	Progressive transformation of Romney Marsh from open pastoral/coastal character to an industrial energy landscape, including cumulative harm to heritage settings.
Traffic and air quality	Combined construction and abnormal load traffic from concurrent NSIPs on rural roads, and resultant cumulative dust and emission effects on communities and designated sites.
Agriculture and food security	Cumulative loss and degradation of BMV agricultural land and Marsh food-producing capacity across multiple projects.
Socioeconomics and tourism	Combined effects on visitor experience, tourism-dependent businesses, community character and property values across the Marsh and Dungeness area.

Table 1: Required cumulative assessment scope

4.3. Projects for Cumulative Assessment

The cumulative assessment must include all relevant NSIPs and major energy or infrastructure projects that could interact with the South Brooks Solar Farm within the Romney Marsh hydrological catchment, ecological network and landscape/tourism setting, regardless of data gaps. Where detailed information is not publicly available, the applicant should apply proportionate, reasonable worst-case parameters consistent with Rochdale Envelope practice.^{[2][4][1]}

As a minimum, the project list should include (as applicable at the time of ES preparation):

- o Shepway Energy Park (EN0110017).
- o South Kent Energy Park
- o Stone Street Green Solar (EN010135)
- o Other large solar NSIPs in the wider Romney Marsh and Dungeness area (including consented, in-examination and scoping-stage projects).

- o Operational schemes such as Sycamore Solar and Little Cheyne Court Wind Farm.
- o LPA proposals currently in planning including St Mary in the Marsh Solar Farm and Pond Street Solar Farm and other local solar or battery projects where locations, scales or grid connections overlap functionally with South Brooks.
- o Dungeness nuclear decommissioning works and associated infrastructure changes where they may influence hydrology, traffic, employment or tourism patterns.

The precise list should be agreed with PINS, Natural England, the Environment Agency, the IDB and relevant local planning authorities, and transparently reported in the ES, together with justification for inclusion or exclusion of each scheme.^[1]

Recommendation:

The Scoping Opinion should require a cumulative impact assessment that:

- o Uses functionally defined study areas and does not exclude NSIPs solely on the basis of limited public data.
- o Applies reasonable worst-case design parameters for other projects under the Rochdale Envelope.
- o Explicitly lists all projects considered and the rationale for inclusion/exclusion.
- o Integrates cumulative assessment across all key receptors, including within the HRA for European and Ramsar sites.^{[3][2][1]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
3. <https://www.gov.uk/guidance/appropriate-assessment>
4. https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda_EIA_Scoping_Report.pdf
5. https://www.legislation.gov.uk/ukia/2025/155/pdfs/ukia_20250155_en.pdf

5. Transparency and Public Engagement

5.1. Baseline Data Publication

The scale and sensitivity of South Brooks, and the number of overlapping NSIPs on Romney Marsh, make transparency of baseline data and modelling assumptions essential for effective scrutiny by regulators, communities and independent experts. The Scoping Report confirms that extensive surveys and technical studies are underway (including breeding, wintering and passage bird surveys, UKHab mapping, bat activity, invertebrates, ALC, hydrology and drainage work) but gives no clear commitment that the underlying data will be published in a usable form.^[1]

We request that the Planning Inspectorate requires full publication of all baseline survey data and technical models used to support the ES and HRA, in accessible formats suitable for independent review. This should include, as a minimum:

- o Raw or summarised ecological survey data (breeding, wintering and passage birds; bats; great crested newts; invertebrates; water voles and otter; habitats and condition), including survey dates, methods, effort, weather conditions and observer details, and the full breeding bird survey report with mapped territories for key species such as Tree Sparrow, Skylark, Yellowhammer and Corn Bunting so that hedgerows and field margins of high value can be clearly identified and protected.^[1]
- o Groundwater and surface water monitoring data, including borehole and piezometer locations, construction details, levels and chemistry, plus ditch/watercourse level and quality records.
- o Hydraulic and drainage models (including assumptions, input parameters, sensitivity analyses, and representation of artificial field drainage networks and IDB infrastructure).
- o Air quality and noise models where relevant to designated sites or sensitive receptors.
- o Agricultural Land Classification survey outputs, with soil pit locations, profiles, laboratory analyses, wetness/droughtiness classes and mapped ALC grades.
- o Landscape and visual materials (including viewpoint locations, photomontages, night-time visualisations, camera and rendering specifications) and glint-and-glare analysis where relevant to Lydd Airport.^[1]

Publishing these materials will support informed engagement from Natural England, the Environment Agency, the Internal Drainage Board, local planning authorities, NGOs, community groups and independent specialists.

5.2. Independent Peer Review

Given the technical complexity and high stakes involved in hydrology/flood risk, groundwater protection and Habitats Regulations Assessment on Romney Marsh, independent peer review of key

assessments is warranted. To ensure completeness and quality in line with the EIA Regulations 2017 and PINS

Advice Note Seven, we request that the Scoping Opinion:^{[2][1]}

- o Encourages or requires independent peer review of the Hydrogeological Risk Assessment, Flood Risk and Drainage Assessment (including artificial field drainage mapping and IDB interactions), and HRA/Appropriate Assessment.
- o Specifies that such review should be undertaken by suitably qualified and experienced experts, independent of the applicant, with summaries of peer review findings and applicant responses made publicly available as part of the examination record.^{[3][2]}

This will help identify any gaps or weaknesses in the ES at an early stage and reduce the risk of unresolved technical disputes later in the process.

5.3.Community Consultation

Romney Marsh and Dungeness host communities and visitors with a strong sense of place and longstanding engagement in local environmental and planning issues. Meaningful public participation is therefore critical. We request that the Scoping Opinion expects a consultation process that goes beyond minimum statutory requirements and includes:^{[4][5]}

- o Accessible, locally held public exhibitions (in Lydd, New Romney and other affected communities) with technical specialists available to explain hydrology, drainage, biodiversity/HRA (including FLL), ALC, landscape and tourism issues in plain language.
- o Clear, non-technical summaries of all major technical topics (hydrology, groundwater, biodiversity/ HRA, FLL, ALC, landscape, tourism and socioeconomics) provided online and in hard copy, alongside the full ES documents.
- o Opportunities for community-led input, including local knowledge on drainage behaviour, field drainage infrastructure, wildlife usage (including use of buildings by Barn Owl and Kestrel), tourism patterns and recreational routes, with clear explanation of how such information has been considered.
- o A clear commitment that no further statutory consultation is undertaken on any red line boundary or layout that overlaps functionally with other NSIP-scale solar projects on Romney Marsh, and that the applicant will first work with PINS, other NSIP promoters and local authorities to remove such overlaps and present communities with a coherent, non-overlapping set of proposals.
- o Adequate time periods for consultation commensurate with the volume and complexity of ES material, and active engagement with parish councils, local community groups and landowners.^{[6][1]}

Transparent data, independent technical assurance and high-quality engagement are all essential if the environmental information relied upon for decision-making is to be trusted and relied upon by affected communities and statutory bodies alike.

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>
3. <https://www.gov.uk/government/collections/national-infrastructure-planning-advice-notes>
4. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
5. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>
6. <https://romneymarshhistory.co.uk/tourismbusiness>

6. Specific Recommendations for the Scoping Opinion

We respectfully request that the Planning Inspectorate's Scoping Opinion secure an Environmental Statement and HRA that are complete, proportionate and compliant with the Infrastructure Planning (EIA) Regulations 2017 and PINS Advice Note Seven, tailored to the particular sensitivities of Romney Marsh.^{[1][2][3]}

6.1.Reinstatement of Scoped-Out Topics

1. Air Quality (Chapter 17)

Air quality must be scoped into the ES. The applicant should be required to:

- o Undertake a Construction Dust Assessment and traffic-related emissions assessment in accordance with current IAQM guidance, taking account of sensitive human and ecological receptors and cumulative construction from other NSIPs.
- o Assess operational air quality effects where relevant (including potential BESS thermal events) and their implications for designated habitats and human health.
- o Consider cumulative dust and NOx deposition effects on SAC/SPA/SSSI and Ramsar features, consistent with HRA requirements.^{[3][4]}

2. Land Contamination and Groundwater (Chapter 18)

Land contamination and groundwater impacts must be fully scoped into the ES. The applicant should be required to:

- o Produce a comprehensive Hydrogeological Risk Assessment covering all construction and operational activities, particularly where they intersect Secondary A aquifers and Source Protection Zones.
- o Identify and assess all plausible contaminant sources, pathways and receptors, including legacy agricultural chemicals and any potential radiological pathways.
- o Integrate groundwater impacts with surface-water and drainage assessments, and with HRA for groundwater-dependent ecosystems.^[3]

3. Materials and Waste (Chapter 19)

Materials and waste must be reinstated as a full EIA topic. The ES should be required to:

- o Quantify, as a reasonably worst-case, the tonnage and types of key construction materials (steel, glass, aluminium, cabling, concrete, aggregates etc.).
- o Estimate construction, operational and decommissioning waste arisings, including hazardous waste scenarios associated with BESS and PV panels.
- o Assess associated transport movements and cumulative material demand given the number of NSIPs in the Marsh and demonstrate alignment with waste hierarchy and circular economy principles.^{[5][3]}

6.2.Enhanced Assessment Requirements

We request that the Scoping Opinion secure the following topic-specific enhancements.

1. Hydrogeological Risk and Flood Risk

The ES should be required to provide:

- o A Hydrogeological Risk Assessment including at least 12 months of baseline groundwater monitoring, a robust Conceptual Site Model and quantitative risk assessment for construction and operation, particularly where works intersect Secondary A aquifers and Source Protection Zones. ^[1]
- o A Flood Risk and Drainage Assessment using Romney-Marsh-specific hydraulic modelling, latest climate-change allowances, and a cumulative context, explicitly considering reduced infiltration from compaction and infrastructure and raised baseline water levels. ^{[2][1]}
- o Comprehensive survey, mapping and assessment of subsurface artificial field drainage systems, with explicit protection, diversion or replacement strategies agreed with landowners and the Internal Drainage Board, and post-construction monitoring and financial provisions for restoration or compensation. ^[1]
- o Assessment of impacts on IDB statutory functions, including access, maintenance freeboard and operational water-level control, and clear arrangements for maintenance and access to all drainage infrastructure. ^{[2][1]}
- o Fixing of key hydrology-critical parameters under the Rochdale Envelope (e.g. maximum impermeable area, piling depth ranges, BESS and substation footprints and heights, track specifications) for use as “reasonable worst-case” values in all modelling. ^{[3][1]}

2. Biodiversity and HRA

The ES and HRA should be required to:

- o Undertake and fully report multi-season and, where appropriate, multi-year ecological surveys (particularly for birds, bats, invertebrates, GCN and riparian mammals), with methods, coverage, limitations and data summaries published. ^[1]
- o Publish the full breeding bird survey report, including territory maps, and explicitly value Tree Sparrow (county importance), Skylark (at least local/district importance), Yellowhammer, Corn Bunting and other notable species using recognised geographic importance scales, with these data used to define and protect key hedgerows and field margins. ^[1]
- o Explicitly recognise hedgerows and associated margins as key ecological features where they support important farmland bird assemblages, and demonstrate how layout and management will retain, buffer and enhance these features. ^[1]
- o Align Functionally Linked Land identification with Natural England guidance on functional linkage and favourable conservation status, using agreed thresholds for “regular use” by

qualifying species and drawing on both current and historical data; publish FLL methods, analysis and mapping; and show how all FLL will be avoided, buffered or compensated.^{[4][5][1]}

- o Confirm the survey and assessment approach for NERC Section 41 species known on the peninsula (e.g. Harvest Mouse, Brown Hare, Hedgehog), or provide robust justification for any decision to scope these out, in light of the NERC Act 2006 duty to have regard to biodiversity conservation.^[6]
- o Provide a Detailed Lighting Design with quantitative lux modelling, spectral characteristics and curfew/control measures in line with current guidance (e.g. ILP GN08/23), and secure “dark-corridor” measures to protect bats, migratory birds and designated sites via enforceable DCO requirements.^{[7][8][1]}
- o Assume from the outset that an Appropriate Assessment will be required under the Habitats Regulations and fully address in-combination effects with other NSIPs and plans/projects at the HRA stage, with all relied-upon mitigation secured by enforceable DCO requirements and clearly cross-referenced in the ES.^{[9][10][1]}
- o Ensure that buildings used by protected species (e.g. Barn Owl, Kestrel) are surveyed to current guidance and that any later change introducing demolition or major works triggers updated surveys, assessment and, where needed, licensing and mitigation.^[1]
- o Include in the Outline Landscape and Ecology Management Plan (oLEMP) a clear framework for long-term ecological monitoring and adaptive management, with defined triggers for additional habitat enhancement if monitoring shows shortfalls against predicted outcomes.^[1]

3. Landscape, Visual and Heritage

The ES should be required to:

- o Deliver an LVIA that explicitly recognises Romney Marsh’s distinctive landscape character and assesses the implications of large, tall infrastructure such as BESS units (up to 6m high) and substations (up to 15m high and 60,000m footprint).^{[2][1]}
- o Provide comprehensive viewpoint selection including the King Charles III England Coast Path, key PRoW, Dungeness, local settlements and Lydd Airport approaches, with photomontages and, where relevant, night-time visualisations that depict the full scale and lighting of BESS and substation infrastructure.^{[11][1]}
- o Assess cumulative landscape transformation from all relevant solar and energy NSIPs and the resulting change in character from open pastoral/coastal landscape to industrial energy landscape.
- o Undertake heritage impact assessment in consultation with Historic England and local authorities, including cumulative setting effects, and a glint-and-glare assessment for aviation safety in consultation with Lydd Airport and the Civil Aviation Authority.^{[11][1]}

4. Agricultural Soils and Food Security

The ES should be required to:

- o Publish full ALC survey methodology, mapped ALC outcomes and clear quantification of BMV land loss.^[1]
- o Explain soil wetness and droughtiness classes and their sensitivity to changes in artificial drainage and hydrology on Romney Marsh.^[2]
- o Provide robust, evidence-based analysis of long-term shading and compaction impacts on soil structure, organic matter and fertility over the operational life, with realistic appraisal of restoration prospects at decommissioning and, where possible, evidence from comparable long-term solar schemes.
- o Assess food-security implications and cumulative BMV loss from other NSIPs and developments in the area, in the context of national policy.^{[6][1]}
- o Account for displacement of existing agri-environment schemes and demonstrate how equivalent or better public goods (biodiversity, landscape, carbon, water quality) will be delivered.

5. Socioeconomics and Tourism

The ES should be required to:

- o Strengthen the socioeconomic chapter by quantifying tourism and recreation value using local visitor data for Dungeness, Romney Marsh and the England Coast Path, and assessing how large-scale industrialisation may affect visitor experience, local businesses and employment.^{[12][13][11]}
- o Address community character and sense-of-place impacts, informed by consultation with local communities and parish councils.
- o Fully assess PRow and Coast Path impacts (including visual, noise and access effects) and required mitigation, with particular protection for nationally significant routes.
- o Consider impacts on the wider agricultural economy and on local property values as part of a balanced appraisal, alongside claimed employment and investment benefits.^[1]

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf

2. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>

3. https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda_EIA_Scoping_Report.pdf

4. <https://publications.naturalengland.org.uk/publication/5359972901453824>

5. <https://publications.naturalengland.org.uk/publication/6303434392469504>

6. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>

7. <https://tamlite.co.uk/wp-content/uploads/2023/08/41867-ILP-GN08-FINAL-1.pdf>

8. <https://www.southandvale.gov.uk/app/uploads/2024/09/South-Vale-Lighting-Design-Guidance.pdf>
9. <https://www.gov.uk/guidance/appropriate-assessment>
10. https://www.legislation.gov.uk/ukia/2025/155/pdfs/ukia_20250155_en.pdf
11. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>
12. http://www.dungeness-nnr.co.uk/pdf/Shingle_Issue_4.pdf
13. <https://romneymarshhistory.co.uk/tourismbusiness>

6.3.Cumulative Assessment

The Scoping Opinion should require a robust cumulative effects assessment that:

- o Uses functionally defined study areas (hydrological catchments, ecological networks, landscape character areas and tourism catchments) rather than only distance or administrative boundaries.^{[6][3]}
- o Includes all relevant NSIPs and major energy/infrastructure projects that could interact with South Brooks (including Shepway Energy Park, other solar NSIPs, operational schemes such as Sycamore Solar and Little Cheyne Court Wind Farm, emerging schemes at Stonestreet Green, Springwell, Broomhill/Camber Road, and Dungeness decommissioning works), with transparent justification for inclusion/exclusion.
- o Applies reasonable worst-case parameters for other projects where detailed data are not yet available, in line with Rochdale Envelope practice.^[5]
- o Integrates cumulative assessment across hydrology, groundwater, biodiversity/FLL, landscape/ heritage, agriculture, traffic/air quality and socioeconomics, and ensures that in-combination effects on European and Ramsar sites are addressed within the HRA Appropriate Assessment.^{[4][3]}

6.4.Transparency, Peer Review and Engagement

Finally, the Scoping Opinion should emphasise:

- o **Full publication** of baseline survey data and technical models, including detailed mapping of artificial field drainage systems and FLL, in formats suitable for independent scrutiny.
- o **Independent peer review** of key technical disciplines (especially hydrogeology, flood risk/ drainage, and HRA), with peer review findings and applicant responses made publicly available.^{[1][3]}
- o **Enhanced community consultation**, including local exhibitions, clear non-technical summaries, and mechanisms for incorporating local knowledge on drainage, biodiversity, tourism and access.^{[9][3]}
- o **Mandatory consultation** with landowners, the Internal Drainage Board, Natural England, the Environment Agency and local authorities on those aspects where their statutory functions or expert remit are directly engaged (notably drainage, FLL, designated sites and tourism/heritage assets).^[3]

These measures together will help ensure that the Secretary of State receives an Environmental Statement and HRA that meet the requirements of the EIA Regulations 2017 and PINS Advice Note Seven and properly reflect the exceptional sensitivities of Romney Marsh.^{[2][1]}

1. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally->

significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an

2. <https://www.gov.uk/government/collections/national-infrastructure-planning-advice-notes>
3. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
4. <https://www.gov.uk/guidance/appropriate-assessment>
5. <https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda EIA Scoping Report.pdf>
6. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
7. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>
8. http://www.dungeness-nnr.co.uk/pdf/Shingle_Issue_4.pdf
9. <https://romneymarshhistory.co.uk/tourismbusiness>

7. Conclusion

The South Brooks Solar Farm is proposed in a landscape and hydrological system of exceptional sensitivity, underlain by important aquifers, controlled by a finely balanced engineered drainage network, and adjacent to internationally and nationally designated sites of the highest importance for biodiversity, landscape and heritage. It also occupies productive agricultural land that contributes to food security and sits within a visitor-dependent area centred on Romney Marsh, Dungeness and the King Charles III England Coast Path.

The Scoping Report, as currently drafted, does not provide a sufficiently robust or evidence-based platform for the Environmental Statement and HRA. Attempts to scope out air quality, land contamination and groundwater, and materials and waste are unjustified in this context; the proposed treatment of hydrology, artificial field drainage, biodiversity and Functionally Linked Land, landscape/heritage, agricultural soils and socioeconomics is incomplete; and the cumulative assessment methodology is not adequate for a Marsh-wide pattern of multiple NSIP-scale energy developments. For a nearly identical project in the same landscape type (Shepway Energy Park), the Planning Inspectorate required substantially more detail, tighter Rochdale Envelope parameters, and additional environmental assessments, many of which are absent from the South Brooks Scoping Report; the same level of scrutiny is required here to ensure consistency and compliance.

The specific enhancements requested in this representation are designed to ensure that the Scoping Opinion requires a genuinely comprehensive, Romney-Marsh-appropriate assessment of environmental and community effects, including: rigorous hydrogeological and drainage work (with IDB and artificial drainage fully addressed), stronger biodiversity and HRA requirements (including FLL, lighting and in-combination effects), more demanding agricultural and food-security analysis, a realistic cumulative impact approach, and much greater transparency and peer review. Only on the basis of such an evidence-rich and properly scoped ES and HRA can the Secretary of State, statutory bodies, local authorities and communities reach informed judgements about whether this development can proceed without unacceptable environmental and social harm.

This submission is intended to assist the Secretary of State in ensuring that the Scoping Opinion is fully compliant with the Infrastructure Planning (EIA) Regulations 2017 and PINS Advice Note Seven, and that it secures the level of environmental information required by those instruments – and by recent PINS practice on comparable solar NSIPs – for a proposal of this scale and sensitivity on Romney Marsh.

Please quote: DCQ/25/00127

Your Reference:

Date: 08 December 2025

Please ask for: Tom Bagshaw

Telephone direct: [REDACTED]

Email: [REDACTED]

Web: www.hastings.gov.uk/planning



Development Management
Muriel Matters House, Breeds Place
Hastings, TN34 3UY

Emily Park
Third Floor 3B, Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Emily Park,

Enquiry Number: DCQ/25/00127
Subject: Consultation on scoping opinion (EN0110027)
Location: South Brooks Solar Farm

Thank you for your letter dated 11 November 2025. It is my understanding that you are requesting responses regarding the scoping document submitted in relation to an application by Blue Planet Solar Limited (the applicant) for an Order granting Development Consent for the South Brooks Solar Farm (the proposed development). Below are our comments on the submitted scoping document.

EIA Regulations and Legislation

The Environmental Impact Assessment (EIA) process in the context of town and country planning in England is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the "2017 Regulations"). These regulations apply to development granted planning permission under Part III of the Town and Country Planning Act 1990.

The aim of the EIA process is to protect the environment by ensuring that, when deciding whether to grant planning permission for a project likely to have significant environmental effects, the local planning authority does so with full knowledge of those effects and takes them into account in the decision-making process. The regulations set out procedures for identifying projects that should be subject to EIA, and for assessing, consulting, and determining those projects.

The purpose of the scoping process is to determine the extent of issues to be considered in the assessment and reported in the Environmental Statement.

With regard to Hastings, officers recognise that the proposed development lies outside the Hastings Borough Council Local Authority Area. Therefore, this response will only address impacts likely to affect Hastings Borough Council and reserves comment on localised issues for the authorities to which those impacts directly relate.

Landscape and Visual Impact

The scoping opinion sets out the Zone of Theoretical Visibility (ZTV) in Figures 11.1 and 11.2 of the EIA Scoping Report, based on a study area extending up to 5 km from the nearest site boundary. While the

figures indicate that visibility fades to almost zero at the edge of the 5 km buffer, they also show that visibility remains evident at certain points near this boundary. Consequently, the proposed ZTV may be insufficient to gauge the true visual impacts of the development.

Crucially for Hastings, the 5 km buffer does not account for areas of higher topography or increased visibility, such as views across the sea. Much of the ZTV lies at or near sea level, meaning visibility is limited compared to elevated areas such as Hastings and potentially parts of Rye (outside Hastings Borough Council). Hastings Borough Council advises that areas of higher topography beyond the study area could be visually impacted by the development. Hastings has key views toward Dungeness from locations across the Borough, including (but not limited to) the East and West Hills and the Grade I listed Scheduled Monument, Hastings Castle. These views have implications for the setting of heritage assets. This concern is reinforced by the fact that Dungeness B Power Station is visible from Hastings Seafront even at sea level.

For these reasons, Hastings Borough Council considers that applying a fixed-distance buffer is inadequate and risks overlooking areas that may be affected from further afield, resulting in insufficient mitigation. A more tailored assessment of the ZTV is required to identify potential views from a wider study area, ensuring these impacts are properly considered in the decision-making process.

Hydrology

The proposed solar farm sites are adjacent to and partly within the Romney Marsh and Rye Bay SPA and Ramsar site, as well as the Dungeness, Romney Marsh and Rye Bay SSSI (51 ha). The likely hydrological impacts are scoped within a 1 km buffer of each site boundary. While Hastings does not seek to comment on the buffer size without ecological advice, it is recommended that all watercourses connecting to the protected site be included in the scope.

Although the screening opinion assumes impacts beyond the 1 km buffer are negligible, Figure 7.2 shows that some watercourses lie outside the hydrology study area yet intersect with it at various points. To fully understand how water flows and potential contamination could disseminate into these watercourses, it would be prudent to extend the study area to include entire watercourses. A distance-based 1 km buffer does not provide a sufficiently site-specific assessment in this regard.

This recommendation aligns with the Habitats Regulations Assessment prepared by Hastings Borough Council for the upcoming Regulation 18b and later Regulation 19 consultations, which consider the impact of development on the Romney Marsh and Rye Bay SPA and Ramsar site and the Dungeness, Romney Marsh and Rye Bay SSSI. Without a full understanding of the proposed development's impact on these protected areas, the cumulative effects of development at Hastings and other authorities cannot be adequately assessed. This could result in unforeseen detrimental impacts on protected sites.

Furthermore, impacts on the Romney Marsh and Rye Bay SPA and Ramsar site and the Dungeness, Romney Marsh and Rye Bay SSSI must be mitigated to ensure they do not compromise the integrity of the Hastings Local Plan. Failure to do so may lead Hastings Borough Council to object to any future planning application. Therefore, it is essential to fully understand the hydrological and water quality impacts of the development. Hastings Borough Council advises that the submitted Environmental Impact Assessment should provide a bespoke assessment of hydrological implications encompassing all affected watercourses, or supply robust justification—supported by legal advice—for the chosen approach. This will ensure that planning decisions and the Local Plan are not compromised before or after adoption.

Conclusion

To conclude, the proposed scoping opinion should adopt a site specific approach to dealing with hydrological, water quality and landscape impacts, that accounts for the wider impacts of the development. Hastings consider that the use of buffers would not be a suitable methodology for considering the wider impacts of the development in this regard. Should the impact of the development not fully investigate the wider impacts it is likely that Hastings Borough Council would raise concerns regarding the implications of the development upon the integrity of any future planning decisions or the Local Plan.

Yours sincerely,

[Redacted signature]

Tom Bagshaw
Principal Planning Officer



FAO: Emily Park
Senior Environmental Advisor
info@southbrookssolarfarm.co.uk

CEMHD - Land Use Planning,
NSIP Consultations,
Building 1.2, Redgrave Court
Merton Road, Bootle,
Merseyside L20 7HS.
NSIP.applications@hse.gov.uk

Date: 3/12/2025

Dear Madam,

**PROPOSED SOUTH BROOKS SOLAR FARM PROJECT
PROPOSAL BY BLUE PLANET SOLAR LIMITED
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS
2017 (AS AMENDED) REGULATIONS 10 AND 11**

Thank you for your e-mail of dated 11/11/2025 regarding the information to be provided in an environmental statement relating to the above project.

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 project area for this Nationally Significant Infrastructure Project, shown as the redline in Figure 2.0 Rev 01 10/11/25 in Appendix E of the EIA Scoping Report (downloaded from [EN0110027-000003-South Brooks Solar Farm Scoping Report Volume 2 - Appendices.pdf](#)), is **not** within any consultation zones of major accident hazard sites or major accident hazard pipelines.

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 no HSE consultation zones interacting with the proposed order limits 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 Paragraph 5 Part 4 of Schedule 1 for below-threshold substances. Chapter 19 of the [EIA Scoping Report Vol 1](#) covers major accident and disasters. It is stated on p365 that there is "*limited need for hazardous substances in solar farm operation*". It is recommended to confirm if any hazardous substances present may fall into the categories in Schedule 1 and whether the quantities are sufficient to require consent (including after the use of the "addition rule" should it be needed). It may be that hazardous substance consent is not required however, if hazardous substances planning consent is required, please consult the relevant Hazardous Substance Authority (usually the Local Planning Authority) on the application. HSE's role is explained here: [HSE: Land use planning - Hazardous substances consent](#).

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 consideration of risk assessments under the heading "Risk assessments".

Chapter 19 of the [EIA Scoping Report Vol 1](#) covers major accident and disasters. It is stated on p365 there is "*limited need for hazardous substances in solar farm operation*". As there were no identified major accident sites or pipelines so consideration of risk assessments arising from the development's vulnerability to major accident sites and pipelines would not be expected. If it became applicable, we would advise this is 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*". There are no requirements for any risk assessments submitted to and approved by the relevant planning authority to also be considered by HSE.

Explosives Sites:

Explosives Inspectorates response is no comment to make as there is no HSE Licensed explosive 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. We are currently unable to accept hard copies, as our offices have limited access.

Yours sincerely

CEMHD NSIP Consultation Team

Emily Park
Planning Inspectorate
Sent via email.

Our ref: PL00799641
Your ref: EN0110027

Date: 5th December 2025

Dear Emily,

re: South Brooks Solar

Thank you for your correspondence of 11th November 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. We are therefore concerned to see that most historic environment aspects have been 'scoped out' of further EIA assessment.

Assessment of potential impacts

The project is situated within the Romney Marshes, which is a flat and open landscape with extensive views both across the landscape and down onto the landscape from the Kent Downs National Landscape and the escarpment on the northern edge of the marsh.

This landscape character can contribute to the historic significance of heritage assets, and in some instances has led to development which specifically utilises the capacity for long-views; for example, in the design of military infrastructure and the interrelationship between church spires.

Therefore, these long views and open landscapes are often key to our understanding and appreciation of how these heritage assets functioned, and thus the setting of many of the designated heritage assets within the Romney Marshes can extend for substantial distances.

In some cases the distinctive qualities of the landscapes enhances the aesthetic value of heritage assets as they are appreciated and experienced within a highly distinctive landscape setting.

The proposed development area, as currently defined, does not contain any designated heritage assets¹. However, the Scoping Report (SR) identifies numerous designated heritage

¹ A Designated Heritage Asset is defined in the National Planning Policy Framework as 'A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation'.

assets within the identified 5km Study Area of the site including, Scheduled Monuments, Listed Buildings (Grades I, II*, II), and Conservation Areas.

The SR has concluded that beyond construction impacts to the settings of two Grade II Listed Buildings (Jacks/Jacques Court and Scotney Jury's Gap Rd), there are no significant impacts to designated heritage and have scoped these out of the forthcoming Environmental Statement (ES).

Whilst we have no objection to scoping out physical impacts to designated heritage (notwithstanding aspects of the development that are yet to be confirmed), we have concerns regarding the 'scoping out' of impacts to the significance of all designated heritage assets as contributed by their settings.

Given the scale of the proposed solar farm, the maximum height of the panels (4.5m), the notably flat topography of the landscape and the significance of this landscape to the surrounding historic environment, we consider that there is potential for significant effects. We also consider that the information contained within the submitted SR provides insufficient evidence to demonstrate that these aspects can be scoped out of further assessment.

Size of the 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.

In this instance, we do not think that the Scoping Report has taken sufficient account of the topographic context of the Romney Marshes and how long-views and interrelationships in this area can contribute to the significance of many of these sites.

Currently, we do not think that the appropriateness of the study area has been sufficiently justified by the applicant to be confident that all heritage assets affected by this development have been properly assessed.

Any study area used should be guided by ZTV modelling as well as specialist and stakeholder input.

Cumulative Effects

The scheme sits in a landscape which has several proposed solar farms at various stages of the planning process. We acknowledge that Section 5.10.8 of the SR outlines that '*each technical aspect of the ES would consider the potential for cumulative effects associated with the scheme...*'. However, given that impacts to highly graded designated heritage are proposed to be excluded from the ES we would expect an assessment of cumulative effects

within the SR to support this conclusion. This is in line with the Government's technical guidance on *Technical Advice for Scoping Solar* and *Cumulative Effects Assessment*.

Other comments on the content of the Scoping Report

We also question whether there is sufficient information to support the scoping out of detailed assessment of land and groundwater at this stage. Changes in hydrological patterns may lead to detrimental impacts to heritage assets currently preserved in waterlogged context. Given that we do not yet understand the full extent or preservation conditions of heritage assets within and immediately adjacent to the red line boundary, we would encourage that assessment of land and ground water is not scoped out unless it can be shown that any changes to water levels, flow and quality will not detrimentally impact buried heritage assets.

Historic England's position on the Scoping Report

We agree that physical effects on designated heritage assets during construction, operation and decommissioning can be scoped out, unless changes to the red line boundary are such that this would need to be reconsidered.

However, we consider that there is not sufficient information contained within the Scoping Report to support the conclusion that the majority of impacts to designated heritage can be scoped out. This is because we do not think that sufficient consideration has been given to:

- identifying the significance of longer views and interrelationships between assets;
- the contribution that the flat and open landscape character of the marshes makes to the significance of heritage assets;
- to the potential for impacts to designated heritage assets beyond the nominal 5km study area; and
- the cumulative effects of neighbouring developments

Within the guidance outlined in the *Technical Advice for Scoping Solar Development*, there is an opportunity for the applicant to provide additional information with, or appended to, the scoping report to justify the exclusion of designated heritage assets from within the ES. Should the applicants' heritage advisors wish to provide this to support the conclusions of the submitted SR we would be happy to discuss what additional information we would require.

If additional information is not provided we recommend that effects on the significance of heritage assets which may arise through development within their setting, during construction, operation and decommissioning, should be scoped in (NPPF para. 207).

Finally, we also consider that there is potential for flexibility within the detailed design process to reduce the potential harm to heritage assets.

We would also strongly recommend that you seek the views of the Conservation and Archaeological Officers at both Kent and East Sussex County Council's on the submitted report.

We hope that the above comments are helpful in relation to the scoping of the EIA and the reporting of significant effects. In addition to this information, we would remind you that the NPPF (para.207) and National Policy Statement 1 (for energy) para 5.9.9, 5.9.10 and 5.9.27 also requires that all heritage impacts need to be considered and that an assessment of non-significant effects should be supplied separately to, or as technical appendix to the ES.

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

Yours Sincerely

Alex

Alex Bellisario
Assistant Inspector of Ancient Monuments

From: [REDACTED]
To: [South Brooks Solar Farm](#)
Subject: South Brooks Solar Farm - EIA Scoping Consultation and Regulation 11
Date: 25 November 2025 11:57:25

You don't often get email from clerk@icklesham-pc.gov.uk. [Learn why this is important](#)

Dear Sirs

Icklesham Parish Council's Planning Committee considered the above consultation at a planning meeting yesterday evening.

The only comments that the Committee wish to make at the moment are that we support the principles of the proposals.

Kind regards,

Jenner Sands

Clerk and RFO
Icklesham Parish Council

Email: [REDACTED]

Tel: [REDACTED]



ECOLOGICAL ADVICE SERVICE

DATE: 08 December 2025

SUBJECT: South Brooks Solar Farm Scoping Report

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.

We advise that we have the following comments on the submitted scoping report.

Protected/Notable Species

The submitted scoping report has detailed that the following surveys are currently on going/completed:

- Extended UK Habitat Classification Survey (began 2024, ongoing);
- Habitat condition assessment (began 2024, ongoing);
- River condition assessment (planned);
- Breeding bird survey (completed);
- Non-breeding bird survey (began 2023, ongoing);
- Passage bird survey (began 2025, ongoing);
- Bat survey (completed);
- Invertebrate scoping survey (completed);
- Badger survey (began 2024, ongoing);
- Riparian mammal survey (otter and water vole) (began 2024, ongoing);
- Great crested newt survey (planned); and
- Macrophyte survey (planned)

We advise that we are satisfied with the range of surveys proposed but highlight that as part of the wintering bird surveys, nocturnal surveys for golden plover must be carried out.

The results of the surveys, assessment of impacts, and details of any mitigation required should also be provided in due course.

Biodiversity Net Gain

A BNG assessment demonstrating a minimum of 10% BNG Will be required as part of any submission. Plans must be included demonstrating that the proposed BNG is achievable.

It must demonstrate that the BNG has considered additionality. [What you can count towards a development's biodiversity net gain - GOV.UK](#)

The BNG assessment must understand the design of the proposed solar panels so it can fully consider the vegetation creation possible and achievable within the site.

We remind the applicant of the BNG mitigation hierarchy.

Designated Sites

The scoping report has confirmed it's proximity to locally, nationally and internationally designated sites including Dungeness, Romney Marsh and Rye Bay SSSI SPA and Ramsar, and Dungeness SAC.

We advise that a Shadow Habitat Regulations Assessment must be submitted as part of any application. The results of the species surveys and the conclusions of other specialist reports (including noise and air quality) must inform the HRA.

We highlight that the results of the non-breeding bird survey will confirm if the site provides functionally linked land and we highlight that the results of the surveys must inform the design of the proposed solar farm. We remind the applicant of the mitigation hierarchy which is avoid, mitigate compensate and therefore in the first instance the application must try to avoid the impact.

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

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Scoping Report



Folkestone and Hythe District Council

Civic Centre
Castle Hill Avenue
Folkestone
CT20 2QY

Via email:
SouthBrooksSolar@planninginspectorate.gov.uk

Highways and Transportation

Kroner House
Eurogate Business Park
Ashford
TN24 8XU

Tel: 03000 418181

Date: 9 December 2025

Our Ref: LM

Application -	EN0110027
Location -	South Brooks Solar Farm
Proposal -	EIA Scoping and Consultation and Regulation 11 Notification

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:

If an EIA is required for this proposal, it is not considered that a specific transport input would be needed as part of that assessment and resulting documents.

Any emerging planning application should include a Transport Statement (TS) detailing predicted traffic generation for both the completed solar development and the construction period. The TS should include predicted vehicle numbers, programme of works, demonstrate safe access points with the public highway, delivery routing. Any traffic management or alterations to the highway to mitigate the proposed development during construction should be considered.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or

other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

Yours faithfully

Director of Highways & Transportation

*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.



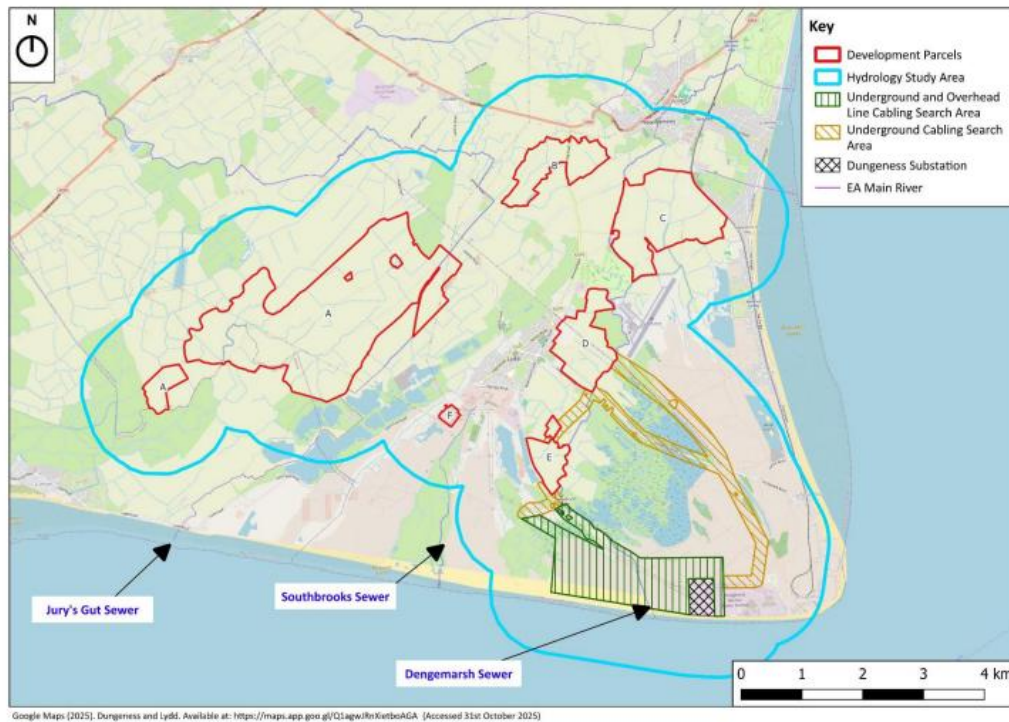
Minerals and Waste Planning Policy

RE: South Brooks Solar Farm Scoping Report

The documents do not contain any reference to the adopted Kent Minerals and Waste Local Plan (KMWLP) safeguarding landwon mineral deposits (relevant policy being Policy CSM 5: Land-won Mineral Safeguarding) in the area. They include the Storm Beach Gravel in the Lydd and Dungeness areas. I reproduce the Folkestone and Hythe Mineral Safeguarding Area proposals map and a map showing the 'development parcels'.

Storm Beach Gravel





You can see that the coincidence with the safeguarded minerals and the development parcels is not great, there is some as there is more with the underground cabling and substation proposal areas. Therefore, the Scoping Report should have acknowledged the need, at the planning application stage, for a Mineral Assessment. Given that, though temporary in nature, the development as proposed would be for a considerable length of time. Greater than any local plan 15-year cycle between adoption and replacement and thus should not be simply considered exempt by criterion 4 of Policy DM 7: Safeguarding Mineral Resources.



Housing, Planning & Regeneration
Bromley Civic Centre, Churchill Court,
2 Westmoreland Road, Bromley, BR1 1AS

Direct Line: 020 8313 4747

Email: [REDACTED]

Our ref: 25/05363/OTH

Your ref: EN0110027

Emily Park

Senior Environmental Advisor
on behalf of the Secretary of State

BY EMAIL

9th December 2025

Proposal: Consultation under Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) – Regulations 10 and 11, relating to a Scoping Opinion in relation to the Application by Blue Planet Solar Limited (the applicant) for an Order granting Development Consent for the South Brooks Solar Farm.

Dear Ms Park,

I am writing in response to your scoping consultation letter dated 11th November 2025.

The Planning Inspectorate (on behalf of the Secretary of State) will adopt a Scoping Opinion.

I can confirm that the London Borough of Bromley does not wish to make any comments on the scope and level of detail, of the information to be included within the Environmental Statement relating to the proposed development.

Yours faithfully,

Agnieszka Nowak-John
Principal Planner
Development Management – Major Developments
Housing, Planning and Regeneration Services
Bromley Civic Centre
Churchill Court, 2 Westmoreland Road
Bromley, BR1 1AS
[REDACTED]
[REDACTED]

From: [Diane Cavey - Assistant Town Clerk - Lydd Town Council](#)
To: [South Brooks Solar Farm](#)
Subject: South Brooks Solar Farm
Date: 08 December 2025 10:45:03

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

Good morning

The Councillors at the Lydd Planning and Environment meeting, held on the 1st December 2025, considered the information provided was insufficient to make an in principle For or Against decision.

The following points were discussed.

1. Flood risk and drainage strategy.
2. Ecological and Biodiversity impact.
3. Noise and light pollution.
4. Construction and traffic logistics.

Once further information has been provided this will go to Full Council for consideration.

Note: The Planning and Environment Committee received information from three residents one of which was HOOM (Hands off our Marsh).

Regards

Diane Cavey
Office Assistant

Lydd Town
Council

Guild Hall
13 High Street
Lydd
Romney Marsh
TN29 9AF

Tel: [REDACTED]

[REDACTED]

Please note my normal working days are Monday, Wednesday and Thursday



Maritime &
Coastguard
Agency

Helen Duncan
Maritime and Coastguard Agency
Bay 2/24
Spring Place
105 Commercial Road
Southampton
SO15 1EG

www.gov.uk/mca

Your Ref: ENO110027

5th December 2024

Via email: SouthBrooksSolar@planninginspectorate.gov.uk

Dear Planning Inspectorate

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

Application by Blue Planet Solar Limited (the applicant) for an Order granting Development Consent for the South Brooks Solar Farm (the proposed development)

Thank you for your letter dated 11th November 2025 inviting the Maritime and Coastguard Agency (MCA) to comment during the scoping consultation on the proposed South Brooks Solar Farm project; comprising the construction, operation and decommissioning of a solar photovoltaic (PV) array electricity generating facility across approximately 1,094 hectares (ha) of land, with approximately 1,043ha of the Site located within Kent County Council, and approximately 51ha located within East Sussex County Council. The project includes solar PV arrays, onsite substation(s), Battery Energy Storage System (BESS) units, power conversion stations and associated grid connection infrastructure which would allow for the generation and export of electricity

The Scoping Report, along with the supporting appendices, have been considered by representatives of UK Technical Services Navigation. The MCA has an interest in the works associated with the marine environment and the potential impact on shipping, safe navigation, access to ports and harbours, and any impact on our search and rescue obligations. We also have an interest in any works associated within rivers which may impact other marine users and the safety of navigation.

We note that the BESS compound shall include the following components:

- BESS units, each comprising an enclosure for electrochemical components and associated equipment.
- Transformers with associated bunds for containment of cooling oil;
- Inverters, switchgear, Power Conversion Systems (BoSS), and related ancillary equipment;

- A switchgear / control room operates, isolates and controls the exported power from the BESS units.
- Containers or enclosures housing any of the above equipment (along with monitoring and control systems),
- Heating, Ventilation and Air Conditioning (HVAC) systems, (either integrated into the containers/enclosures mounted on top or sides, or located nearby as standalone units)
- Electrical cables, including those connecting to the grid interface; and
- Fire safety infrastructure, such as water storage tanks, shut-off valves for fire water containment, and hard standing areas to allow access for emergency vehicles.

We note that in Section 7.6.7 of the Scoping report, that there are a number of main rivers, ordinary watercourses and ditches within the Study Area. The Site boundary is located in direct proximity to, and is partially dissected by, three statutory main rivers, including the White Kemp and Jury's Gut Sewer which partially run through the western part of the Site boundary. It would be helpful if the applicant could clarify if any of the proposed works in, on or over these rivers would fall below the Mean High-Water Spring and therefore potentially fall under the Marine Licensing regime. We understand that the Environment Agency (EA) is the navigation authority for the general area, and it is noted that the applicant has consulted with the EA.

Although any potential HDD drilling or overhead cabling (the proposed methods for river/watercourse cable crossings stated in the Scoping Report) may be in an area of river or watercourse with low vessel traffic, the MCA would like to ensure that the worst-case scenario for shipping and safe navigation has been assessed considering the impacts of the project on river users. To this end, we would recommend that the applicant consults with river users which may include small river craft and Angling associations (e.g. the White Kemp-Rye and District Angling Society and Cranbrook Angling Club), to ensure river users are consulted and informed of upcoming works and potential watercourse closures. A review of river vessel traffic data by the applicant would be useful to ensure that the current vessel traffic levels, type and maximum size of vessel transiting the area has been considered.

I hope you find this information useful at scoping stage.

Yours faithfully,



Marine Licensing Project Lead
UK Technical Services Navigation

Decision Notice

MC/25/2223



Emily Park
South Brooks Solar Farm
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol
BS1 6PN

Planning Service
Culture And Community
Regeneration, Culture & Environment
Transformation
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR
01634 331700
01634 331195
Planning.representations@medway.gov.uk

Applicant Name:

Town and Country Planning Act 1990

Location: Dungeness, , Romney Marsh , And Rye Bay , Special Protection , Area (SPA)

Proposal: Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) - request for a scoping opinion for Consent for the South Brooks Solar Farm (the proposed development)

I refer to your letter of consultation regarding the above and would inform you that the Council **RAISES NO OBJECTION** to it.

- 1 Due to the proposals significant distance from Medway, Medway Local Planning Authority have no comments to make.

Your attention is drawn to the following informative(s) :-

- 1 This response is based on the consultation document received 12 November 2025



David Harris
Head of Planning
Date of Notice 28 November 2025

TOWN & COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS) (ENGLAND) (AMENDMENT) (REGULATIONS 2013)

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks** from the date of this notice for appeals being decided under the **Commercial Appeals Service** and **6 months** from the date of this notice for all other **minor and major applications**.
 - However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
 - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
 - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
 - Appeals must be made using a form which you can obtain from the Planning Inspectorate by contacting Customer Support Team on 0303 444 50 00 or to submit electronically via the Planning Portal at

https://www.planningportal.co.uk/info/200207/appeals/110/making_an_appeal

Commercial Appeals Service

- This type of appeal proceeds by way of written representations, known as the "Commercial Appeals Service". Third parties will not have the opportunity to make further representations to the Planning Inspectorate on these.

All other Minor and Major Applications

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the

proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based on their decision on a direction given by him.

Purchase Notes

- If either the Local Planning Authority or the Secretary of State refuses permission to development land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



Defence Infrastructure Organisation

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

Your reference: EN0110027
Our reference: DIO 10069256

Victoria James
Assistant Safeguarding Manager
Ministry of Defence
Safeguarding Department
St George's House
DIO Headquarters
DMS Whittington
Lichfield
Staffordshire
WS14 9PY

Tel: [REDACTED]

E-mail: DIO-safeguarding-statutory@mod.gov.uk

www.mod.uk/DIO
9th December 2025

Dear Emily,

MOD Safeguarding – Lydd Ranges.

Proposal: Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) – Regulations 10 and 11, application by Blue Planet Solar Limited for an Order granting Development Consent for the South Brooks Solar Farm (the proposed development) Scoping consultation.

Location: Near Lydd, Kent.

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

This application is a scoping opinion request by Blue Planet Solar Limited for South Brooks Solar Project, consisting of approximately 1,094 ha solar PV array and associated infrastructure including onsite substations, a permanent office, warehouse and plant storage building, battery energy storage systems, power conversion stations and associated grid connection infrastructure to allow for the export of electricity.

The applicant has asked the Planning Inspectorate on behalf of the Secretary of State for its written opinion (a Scoping Opinion) as to the scope, and level of detail, of the information to be provided in an Environmental Statement relating to the proposed development.

Part of the proposed development's location, identified at this stage, falls within the Vulnerable Building Distance (VBD) statutory explosives safeguarding zone surrounding MOD Lydd Training Ranges as depicted on the current published statutory safeguarding plan for the MOD site.

VBD Explosives safeguarding zone

All buildings occupying the VBD should be 'non-vulnerable' that is of robust construction and design so that should an explosion occur at the MOD storage facility; buildings nearby will not collapse or sustain damage that could cause critical injury to the occupants. In this context, buildings that contain large areas of glass, tall structures (in excess of 3 storeys) and buildings of light weight construction are of particular concern to the MOD.

In principle, the MOD has no safeguarding concerns, at this stage, relating to solar PV array and associated infrastructure being erected at this location. However, the MOD statutory explosives safeguarding zones surrounding MOD Lydd Ranges will need to be taken into account for this development when designing any buildings proposed for regular occupation by people, which may fall within the VBD, and be scoped in for this application.

The MOD will need to be consulted again via the above multiuser email address in order to complete the appropriate safeguarding assessments as this development progresses-to ensure that the capacity of any new structures to impact on the capability and operation of the safeguarded site and its assets are not compromised.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely



Vicki James
Assistant Safeguarding Manager
DIO Safeguarding

From: [box.assetprotection](#)
To: [South Brooks Solar Farm](#)
Subject: FW: EN0110027 - South Brooks Solar Farm - EIA Scoping and Consultation and Regulation 11 Notification
Date: 11 November 2025 16:25:50
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[Letter to stat cons_Scoping & Reg 11 Notification_NEW.pdf](#)

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Good afternoon,

Thank you for your email.

Regarding EIA Scoping and Consultation and Regulation 11 Notification for South Brooks Solar Farm there are no National Gas assets affected in this area.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

Please note this response is only in reference to National Gas Transmission assets only.

Kind regards

Hayley White
Asset Protection Assistant



box.assetprotection@nationalgas.com



National Gas Transmission, Warwick Technology Park, Gallows Hill, Warwick, CV34 6DA
nationalgas.com | [Twitter](#) | [LinkedIn](#)

Please consider the environment before printing this email.

From: [Kevin Bown](#)
To: [South Brooks Solar Farm](#); [Info](#)
Cc: [Planning SE](#); [SouthEast_HESPA](#); [Spatial Planning](#); "transportplanning@dft.gov.uk"
Subject: National Highways response (our ref NH/25/13486 #26085) re DCO EN0110027 - South Brooks Solar Farm - EIA Scoping and Consultation and Regulation 11 Notification
Date: 04 December 2025 17:25:23
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Letter to stat cons_Scoping & Reg 11 Notification_NEW.pdf](#)

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FAO	Emily Park Senior Environmental Advisor on behalf of the Secretary of State
Your Reference	EN0110027
Site	South Brooks Solar Farm near Lydd, Kent
Proposal	Application by Blue Planet Solar Limited (the applicant) for an Order granting Development Consent for the South Brooks Solar Farm (the proposed development) Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) – Regulations 10 and 11 Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested
National Highways' Reference	NH/25/13486 # 26085

Dear Ms Park

Thank you for your email of 11 November, consulting National Highways on the above EIA Scoping case, seeking a response no later than 9 December 2025.

Background

National Highways is the government owned company which operates, maintains and improves the SRN as the strategic highway company appointed under the provisions of the Infrastructure Act 2015 and in accordance with the [Licence](#) issued by the Secretary of State for Transport.

National Highways is a statutory consultee to the planning process. It has a specific obligation to deliver economic growth through the provision of a safe and reliable SRN in line with the provisions set out in [DfT Circular 01/2022: The strategic road network and the delivery of sustainable development](#).

National Highways Initial comments

We note the details of the proposals are:

- A solar electricity generating station of over 100MW and comprised of ground mounted solar photovoltaic (PV) modules and a Battery Energy Storage System (BESS). The proposed development also includes supporting equipment such as inverters, transformers and switchgears, onsite substations, underground connection cabling to the National Grid, landscape and biodiversity enhancement measures, drainage and storage containers.
- The site is located near Lydd/ Dungeness in Kent
-
- The SRN in the vicinity comprises the A259/A2070 between Rye and Ashford. The closest SRN junction is probably the A259/A2070 junction at Brenzett.
- It will be noted that the A259 from Brenzett to New Romney is a Kent County Highways road.

EIA Scoping comments

- We have no comments on the need for an EIA per se nor non SRN related topics/ matters to be covered. These are matters for other statutory consultees.

However, any EIA submission as part of an application will need to chime with the transport and movement evidence also required. The EIA and planning requirements can often be somewhat different and both aspects will need to be fully addressed.

We will be concerned with proposals that have the potential to impact on the safe, reliable and/or efficient operation of the SRN (the tests set out in DfT C1/22 and MHCLG NPPF2024), due to

- a) The traffic attracted to, generated by or rerouted as a result of proposals and/or
- b) the construction, operation or maintenance of a site adjacent to the SRN.

Given the site will be accessed via the SRN but lies some distance from it, we will require sufficient evidence to be submitted with regards (a) but not (b)

We confirm we have had initial engagement with the applicant and will continue to do so with regards the implications of the proposed development on the SRN.

With regards the expected documentation (EIA, TA etc), as mentioned above it needs to chime between documents and be available preferably before submission but certainly before examination, to be appropriately detailed, and to include

Reference to and demonstration of compliance with DfT C1/22 Strategic road network and the delivery of sustainable development

<https://www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development>

- More detailed reference to and the implications of the proposals for the Strategic Road Network (modelling etc)
- More details through either Construction Traffic Management Plans and/or Operational Management Plans of how any traffic impacts will be managed, differentiating between construction, operational and de-construction phases and between different types of traffic eg staff, construction workforce, deliveries (including abnormal loads)
- More details of the traffic implications across any proposed construction period, including peaks and what they comprise
- Clarification of routing to site; particularly if it could vary and hence the SRN impacts will vary
- Identification of any SRN junctions requiring works to facilitate access (we reserve the right to raise the requirement for works once we more fully understand the proposals)

There may well be EIA related elements to all of the above.

There may be other matters that we will need to review but do not anticipate impacts on the SRN arising from them. For example, glint & glare are unlikely to be an issue given the distance from SRN and site's likely south-facing orientation.

We hope these comments assist, but if any party has any queries regarding them, please contact us via planningse@nationalhighways.co.uk .

Regards

Kevin Bown BSc(Hons) MPhil CMS MRTPI Spatial Planner

Spatial Planning Team, South East Region Operations Directorate

National Highways | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ

Tel: [REDACTED] (patches through via Teams) **Mob:** [REDACTED]

Web: www.nationalhighways.co.uk

For information about our engagement with the planning system please visit

<https://nationalhighways.co.uk/our-roads/planning-and-the-strategic-road-network-in-england/>

From: [NATS Safeguarding](#)
To: [South Brooks Solar Farm](#)
Subject: RE: EN0110027 - South Brooks Solar Farm - EIA Scoping and Consultation and Regulation 11 Notification [SG40507]
Date: 17 November 2025 11:39:31
Attachments: [~WRD0002.jpg](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
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[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)

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Our Ref: SG40507

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully



NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk



NATS Internal

Information.Solutions@nats.co.uk immediately. You should not copy or use this email or attachment(s) for any purpose nor disclose their contents to any other person.

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NATS means NATS (En Route) plc (company number: 4129273), NATS (Services) Ltd (company number 4129270), NATSNAV Ltd (company number: 4164590) or NATS Ltd (company number 3155567) or NATS Holdings Ltd (company number 4138218). All companies are registered in England and their registered office is at 4000 Parkway, Whiteley, Fareham, Hampshire, PO15 7FL.

From: [Sophie Moore](#)
To: [South Brooks Solar Farm](#)
Subject: 533098 EN0110027 EIA Scoping Consultation & Regulation 11 Notification - NE Response
Date: 02 December 2025 15:47:19
Attachments: [Picture \(Device Independent Bitmap\) 1.jpg](#)
[533098 EN0110027 South Brooks Solar EIA Scoping NE Response.pdf](#)

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Good afternoon,

Thank you for your email dated 11th November 2025, requesting our input on the South Brooks Solar Farm Scoping Report. Please find attached Natural England's response to this consultation below. If you have any questions relating to the advice in this letter, please contact me and copy to consultations@naturalengland.org.uk.

Kind regards,

Sophie Moore, BA. (Hons), MSc.
Senior Officer for Sussex – Sustainable Development Team
Sussex and Kent Team
Natural England

Pronouns: She/Her - [Why have I put this?](#)

Working Hours: Monday-Friday 08:00-18:00

Please be aware that I work flexible hours so may not always be available within this timeframe.

www.gov.uk/naturalengland



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Date: 02 December 2025
Our ref: 533098
Your ref: EN0110027



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

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

T 0300 060 900

BY EMAIL ONLY

Dear Ms Park,

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

Proposal: South Brooks Solar Farm.

Location: Lydd, Kent.

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 11 November 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.

Natural England has commenced pre-application engagement with the applicant which has allowed us to make detailed comments on the scope of the Environmental Statement. We believe that the applicant has identified the majority of impacts that could occur as a result of the project, though we acknowledge that further survey work is still being undertaken to inform their significance.

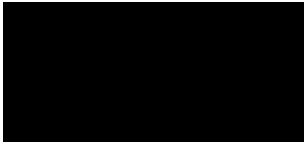
At this stage, it is our view that air quality impacts upon ecological receptors during the construction and decommissioning phases should continue to be scoped in for assessment. Our reasoning for this is that the road network that serves the proposed development is located within 200m of the Dungeness designated sites which contain habitats sensitive to air quality impacts. We have provided further guidance on assessing air quality impacts in Section 14.

We will continue to work with the applicant during the pre-application phase on identifying impacts and agreeing mitigation measures, where required.

Detailed advice on scoping the Environmental Statement is available in the attached Annex.

For any further advice on this consultation please contact the case officer Sophie Moore and copy to consultations@naturalengland.org.uk.

Yours sincerely,



Sophie Moore
Senior Officer for Sussex
Sustainable Development Team – Sussex & Kent

Annex A – Natural England’s Advice on EIA Scoping

1. Cumulative and In-Combination Effects

- 1.1. The Environmental Statement (ES) should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.
- 1.2. 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.
- 1.3. Table 1 sets out the plans or projects that Natural England is aware of that might need to be considered in the ES. Please note this is not an exhaustive list and there may be other relevant plans and projects.

Table 1: Plans or projects that Natural England is aware of that might need to be considered in the ES	
Project/Plan	Status
Folkestone & Hythe Core Strategy Review (2022)	Adopted.
Folkestone & Hythe Places and Policies Local Plan (2020)	Adopted.
Rother Adopted Core Strategy (2011-2028)	Adopted.
Rother Draft Local Plan (2020-2040)	Emerging (Regulation 18)
Lydd Airport Extension	Granted, not yet built out.
Dungeness Power Station Decommissioning	Ongoing process. Most recent application submitted 07/08/2025.
Shepway Energy Park	At pre-application stage.
South Kent Energy Park	At the early engagement stage.

2. Environmental Data

- 2.1. 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>.
- 2.2. Detailed information on the natural environment is available at www.magic.gov.uk. This includes Marine Conservation Zone GIS shapefiles.
- 2.3. 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, as well as the Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites that they underpin. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).
- 2.4. 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

- 3.1. Natural England welcome the applicant's consideration of the potential impacts of the proposal on biodiversity as well as opportunities for nature recovery, as outlined in Chapter 6 of their EIA Scoping Report (November 2025). We support the undertaking of early and ongoing survey work to sufficiently evidence the extent of potential biodiversity impacts, as well as the exploration of options to enhance the environment, such as providing more than the 10% mandatory biodiversity net gain. These impacts and opportunities should be included in the ES in accordance with appropriate guidance.
- 3.2. 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).
- 3.3. 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](#) and sector specific information within National Policy Statements [here](#).

4. Designated Nature Conservation Sites

- 4.1. The South Brooks Solar Farm has the potential to adversely impact the following designated sites:
 - Dungeness Special Area of Conservation (SAC)
 - Dungeness, Romney Marsh & Rye Bay Special Protection Area (SPA)
 - Dungeness, Romney Marsh and Rye Bay Ramsar site

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

4.2. Further information on these sites is provided below.

5. International and European Sites

- 5.1. European site conservation objectives are [available here](#).
- 5.2. 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](#).
- 5.3. Natural England's SSSI 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](#).
- 5.4. 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.
- 5.5. 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.
- 5.6. 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.

Table 2: Potential risk to international designated sites: the development is within or may impact on the following sites		
Site name with link to conservation objective	Features which the ES will need to consider	Potential impact pathways where further information/assessment is required
Dungeness, Romney Marsh and Rye Bay SPA	Adverse impact on the qualifying bird species.	• Temporary and/or permanent land take for cabling routes resulting in loss of SPA. • Loss of or damage to functionally linked land. • Physical damage to the site during construction, operation and decommissioning. • Fragmentation and loss of habitat connectivity due to the introduction

Table 2: Potential risk to international designated sites: the development is within or may impact on the following sites

Site name with link to conservation objective	Features which the ES will need to consider	Potential impact pathways where further information/assessment is required
		of new infrastructure into the landscape - Noise, vibration, lighting and visual disturbance to birds during construction, operation and decommissioning including glint and glare impacts. - Air quality impacts (inc. dust and traffic related) during construction and decommissioning. - Introduction of invasive non-native species during construction. - Water pollution and/or hydrological changes during construction, operation and decommissioning.
Dungeness, Romney Marsh and Rye Bay Ramsar	Adverse impact on the qualifying habitats and species.	As above
Dungeness SAC	Adverse impact on the qualifying habitats and species.	- Temporary and/or permanent land take for cabling routes resulting in loss of SAC. - Physical damage to the site during construction, operation and decommissioning. - Air quality impacts (inc. dust and traffic related) during construction and decommissioning. - Introduction of invasive non-native species during construction. - Water pollution and/or hydrological changes during construction, operation and decommissioning.

- 5.7. Given the location of the development site within close proximity of Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site, as well as the current land use being predominantly arable agricultural land, there appears to be a strong potential for the proposed development to impact functionally linked land. Natural England welcome the applicant undertaking ongoing bird surveys in order to determine the presence, extent and significance of potential functionally linked land within the development boundary.

- 5.8. We typically advise that such surveys should include two vantage point surveys per month, from October to March for two years, with nocturnal surveys, covering different tidal states and considering the cropping regime of the agricultural land. Natural England welcomes further discussions with the applicant on their survey results, methodology and mitigation proposals if necessary, in our ongoing engagement.

6. Nationally Designated Sites

- 6.1. The ES should thoroughly assess the potential for the proposal to affect nationally designated sites, including Sites of Special Scientific Interest (SSSI).
- 6.2. SSSI's 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. Natural England's SSSI Impact Risk Zones 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](#).
- 6.3. The proposed development is located immediately adjacent and partially within Dungeness, Romney Marsh and Rye Bay SSSI. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within this site and should identify measures to avoid, minimise or reduce any adverse significant effects as required.
- 6.4. Natural England note that around 51ha of the proposed site boundary overlaps the SSSI, so welcome the commitment from the applicant for no solar infrastructure to be located in these areas (paragraph 6.3.35). We do however note that these areas are included as potential locations for underground cabling or access requirements. Dungeness, Romney Marsh and Rye Bay SSSI is designated in part for its coastal geomorphology which includes buried deposits, a feature which could be damaged, obscured or removed as a result of the project. We therefore advise that this impact pathway be fully assessed and avoided in the first instance.

Table 3: Potential risks to nationally designated sites: the development is within or may impact on the following sites

Site name with link to citation	Features which the ES will need to consider	Potential impact pathways where further information/assessment is required
Dungeness, Romney Marsh and Rye Bay SSSI	The notified nationally important habitats and the nationally important plants and animal species.	• Temporary and/or permanent land take resulting in loss of SSSI. • Physical damage to and disturbance of features during construction, operation and decommissioning. • Noise, vibration, lighting and visual disturbance to fauna during construction, operation and

Table 3: Potential risks to nationally designated sites: the development is within or may impact on the following sites

Site name with link to citation	Features which the ES will need to consider	Potential impact pathways where further information/assessment is required
		decommissioning including glint and glare impacts. • Air quality (inc. dust and traffic related) impacts during construction and decommissioning. • Introduction of invasive non-native species. • Water pollution and/or hydrological changes during construction, operation and decommissioning. • Fragmentation and loss of habitat connectivity due to the introduction of new infrastructure into the landscape. • Improper site management – all SSSI enhancement proposals will require careful design in consultation with Natural England to ensure that significant effects are avoided for <i>all</i> relevant features.

7. Regionally and Locally Important Sites

- 7.1. 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 groups or other local groups and protected under the NPPF (paragraph 180 and 181). Section 5.4.17 of the Overarching National Policy Statement for Energy (EN-1) 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.*”
- 7.2. 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.

8. Protected Species

- 8.1. 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](#).

- 8.2. 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.
- 8.3. 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.
- 8.4. 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.
- 8.5. 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.
- 8.6. We have not yet engaged with the Applicant with regard to protected species; however, we would be pleased to discuss the scope of surveys and any mitigation requirements as part of our pre-application engagement.

9. Priority Habitats and Species

- 9.1. 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.
- 9.2. 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 and freely available to [download](#). Further information is also available [here](#).
- 9.3. 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.

9.4. 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

10. Biodiversity Net Gain (BNG)

10.1. 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. It is the intention that BNG should apply to all terrestrial NSIPs accepted for examination from November 2025. 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.

10.2. Natural England welcomes the applicant's commitment to achieve a BNG of at least 10%, which we understand will be further detailed as part of the DCO application. We support the ambitions for BNG to be delivered "*at a scale in keeping with the Lawton Principles (i.e. more, bigger, better and joined up)*" (EIA Scoping Report, paragraph 6.4.6.) and the work being undertaken to identify local priorities and projects for enhancement opportunities. We are also pleased to see that a UK Habitat Classification Survey has been undertaken to inform and underpin the BNG assessment, which should be provided at the earliest opportunity to ensure integration in the project design. We welcome ongoing engagement from the applicant regarding any further details for proposed BNG enhancement measures.

11. Landscape

11.1. Nationally Designated Landscapes

11.1.1. We note that the applicant has scoped out impacts to both the Kent Downs National Landscape and the High Weald National Landscape, due to the distance and intervening topography.

11.1.2. At this stage in the process we do not agree that impacts can be scoped out as, in our opinion, very limited evidence has been provided to support this decision. Although we acknowledge that both landscape designations are quite a way from the proposed development (8km and 5.5km respectively), a solar farm of this

scale still has potential to cause an impact particularly when located in a low-lying, flat landscape such as Dungeness. In addition, the cumulative effects on designated landscapes from other proposed development in the area will need to be considered.

- 11.1.3. We have provided some general advice on assessing landscape and visual impacts below.

11.2. Landscape and visual impacts

- 11.2.1. Public bodies 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.
- 11.2.2. The ES should consider the direct and indirect effects on the above listed designated landscapes and, in particular, the effect upon its purpose for designation. It should refer to the relevant [National Character Areas](#) which set out descriptions of each landscape area and statements of environmental opportunity.
- 11.2.3. 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. 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.
- 11.2.4. A landscape and visual impact assessment 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. For National Parks and National Landscapes, we advise that the assessment also includes 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.
- 11.2.5. The assessment should also include 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.
- 11.2.6. 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.

- 11.2.7. Natural England provides the following guidance on embedding our Green Infrastructure Framework in developments: [Developers and Design Team Process Journey](#).
- 11.2.8. The National Infrastructure Commission has also produced [Design Principles for National Infrastructure - NIC](#) endorsed by Government in the National Infrastructure Strategy.

12. Connecting People with Nature

- 12.1. 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.
- 12.2. Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

13. Soils and Agricultural Land Quality

- 13.1. 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](#).
- 13.2. We therefore welcome the stated intention to carry out detailed agricultural land classification (ALC) surveys within the site boundary, in line with MAFF (1988) guidance, to inform baseline conditions (sections 8.4.7 and 8.4.14). We are pleased to see that surveys will be undertaken at a detailed level, with one auger boring per hectare supported by soil description pits to a depth of 1.2m. We do however advise that soil pits also be sited so as to cover each main soil type.
- 13.3. In addition, we welcome the fact that the survey results will inform the Outline Soil Management Plan (oSMP) and advise that this document covers suitable soil handling methods and appropriate reuse of soil resource where appropriate (e.g. agricultural reinstatement, habitat creation, landscaping and public open space). The ES should also set out:
- Details of how any adverse impacts to BMV land agricultural land can be minimised through site design/masterplan.
 - 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.

- 13.4. 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](#).

14. Air Quality

- 14.1. Natural England provides the following standard advice on air pollution. This advice relates to the protection of protected sites under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and the Wildlife and Countryside Act 1981 and should be taken as Natural England's formal representation. This standard advice is applicable to all stages of the NSIP process and may be used by the applicant for NSIP pre application stages, by the Examining Authority (ExA) during the statutory stages of the NSIP and by the relevant Secretary of State as the competent authority.
- 14.2. Protected sites are 'sites of special scientific interest' (SSSIs) and 'habitats sites' (also called 'European sites'). For the purposes of this advice, Habitats Sites are Special Areas of Conservation (SACs), possible SACs, Special Protection Areas (SPAs), Potential SPAs, Ramsar sites, and sites identified, or required, as compensatory measures for adverse effects on Habitats Sites. Although their regulatory frameworks differ, the general principles and approach for air pollution assessment outlined for Habitats Sites are also relevant for SSSIs. Where the following advice applies to both, we use the term protected sites. Where the advice or approach differs, the individual terms are used.
- 14.3. This includes advice on information that is required to assess this and how to interpret the results of air quality modelling for the decision maker to conclude whether air quality impacts would have an adverse effect on the integrity of a Habitat site or a SSSI. You should also consider any relevant caselaw that could affect how you carry out any air quality assessments.
- 14.4. Air pollutants
- 14.4.1. This advice covers the following air pollutants from the construction, operation and decommissioning phases of a proposal
- ammonia (NH₃)
 - nitrogen oxides (NO, NO₂ or NO_x)
 - nitrogen deposition
 - acid deposition
 - sulphur dioxide (SO₂)
- 14.4.2. Standing advice on air pollution and development is also available here: <https://www.gov.uk/guidance/air-pollution-and-development-advice-for-local-authorities>.
- 14.4.3. Whilst the standing advice does not cover NSIPs, it does include additional technical advice which may prove useful. However, in summary, Table 1 provides the steps that we advise should be taken to assess air quality impacts on

protected sites. The applicant should provide their own assessment containing the information and detailed modelling you need. You need to review this and make your own conclusion.

Table 1: Sequential approach to air quality assessments

Stage	Step	Supplemental evidence/ basis for judgment
Initial screening for credible risk of an effect	1 Check Distance criteria - could significant emissions reach a protected site? Yes = move to Step 2 No = no further HRA required	The Air Pollution Information System (APIS) includes an introduction to air pollution. APIS provides site specific information on the interest features of individual protected sites and the sensitivity to air quality impacts of those features. For road traffic impacts, roads on the affected road network that lie within 200m of a designated site should be considered. Use Magic Map to check the location of designated sites. Search for the location then select the 'Designations' option.
	2 Check if the qualifying habitats or supporting habitat of qualifying species are sensitive to air quality impacts. Yes = move to Step 3 No = no further HRA required APIS Site relevant Critical Loads and Levels (based on literature and professional judgement) http://www.apis.ac.uk/src/ Some habitats may not have a critical load because there is not enough data. In these cases, you should find the critical load for a similar habitat type or feature.	The qualifying features of Habitats Sites can be identified in the relevant Site Conservation Objectives and Supplementary advice packages, which include a definitive list of legally qualifying features. These objectives are available here. Alternatively, a list of qualifying features can also be found by searching for the Habitats Site and SSSIs on Designated Sites View, alongside Conservation Objectives and Supplementary Advice for Habitats Sites. The above links will also show whether any of the qualifying features for Habitats Sites have a Restore or Maintain Conservation Objective in relation to air quality thresholds (critical levels or loads). If the site is a SPA or an SAC/SSSI designated for an animal species (as opposed to a habitat), determine whether the predicted pollution effects on the supporting habitat will have a negative effect on the notified species.
Detailed AQ	3 Undertake detailed modelling	Air Quality modelling should include

modelling	using a recognised dispersal model – i.e. Atmospheric Dispersion Modelling System (ADMS) Unless robust site-specific evidence is provided, we advise the lower range of the critical load should be used in modelling. If there are site specific reasons why it is more appropriate to use the higher end of the range, then this should be clearly evidenced.	relevant scenarios that are clearly identified. One such example of scenarios is a baseline plus future forecasts as follows: Baseline, a construction year, and future operational year(s), do nothing (without proposal), do something (with proposal); taking into account background trends for each pollutant). For proposals that will emit pollutants from a point source, it is helpful to provide isopleths of the dispersion modelling results, showing the predicted contours of pollutant concentration and deposition of the development. These may be assessed against the locations of protected sites and sensitive features within those sites. At least 3 years of meteorological data should be included within the AQ modelling for sources other than for road transport modelling The Institute of Air Quality Management (IAQM) has produced the following document to assist its members in the assessment of the air quality impacts of development on designated nature conservation sites: air-quality-impacts-on-nature-sites-2020.pdf
Applying screening thresholds	4a Apply Screening Threshold Alone If below threshold alone, move to step 4b. If above = move straight to step 5	Ascertain the Process Contribution (PC) from the plan or project (emissions and predicted deposition). Apply Screening threshold (1% of critical level or load) alone using the <u>annual averages</u>. If the process contribution is less than 1% of the relevant long-term benchmark (Environmental Assessment Level, Critical Level or Critical Load), the emission is not likely to have a significant effect <u>alone</u> irrespective of the background levels.
	4b Apply Screening Threshold In-combination. If below threshold in-combination = no LSE/significant risk of damage etc and no further assessment required.	Use information from competent authorities (Planning Portal, PINS NSIP register or Environmental Permitting register) to determine if there are plans or projects in the pipeline (not included in the current baseline) that should be considered in-combination

		If above = move straight to step 5 Applicants might use the Joint Nature Conservation Committee (JNCC) 'decision-making thresholds' as a reason for not completing an in-combination assessment. If so, you should check they have correctly followed the <u>JNCC guidance on decision-making thresholds</u>. If this guidance shows they do not need to complete an in-combination assessment, continue to step 5. If applicants have not used the decision-making thresholds, or have not followed them correctly, they will need to provide an in-combination assessment.	If the combined process contribution is less than 1% of the relevant long-term benchmark (Environmental Assessment Level, Critical Level or Critical Load), the emission is not likely to have a significant effect <u>in-combination</u> irrespective of background levels.
Detailed Assessment of ecological impacts	5	This step is to consider the ecological impacts of AQ on the interest features of the designated site and is not based only on numerical figures. If it is not certain whether sensitive features are located within the areas to be impacted, a site visit may be helpful to determine this. For SSSIs, this step should provide all the information necessary, including any required mitigation, for the decision maker to determine if there would be an adverse effect on a SSSI. If Habitats Sites are impacted by the proposals, move to Step 6.	The following information is likely to be helpful for the decision maker: Is the sensitive feature(s) located within the pollution footprint? Should it be there for the site to meet its Conservation Objectives or is there some other, natural reason (e.g. hydrology), why the sensitive feature(s) would not be expected to occur there? Check APIS Trends Tab for reasonable expectation on whether background pollution may be decreasing or not. Habitats that have already been subject to high background nitrogen deposition can develop tolerance to further deposition. This cannot be used to justify further exceedance as it would undermine conservation objectives to reverse decline. You should consider predicted effects on the species richness of a habitat against the site's conservation objectives.
Appropriate Assessment (AA) for	6	The competent authority to undertake their AA to conclude whether or not	Where mitigation is required to enable a conclusion of no adverse effect on integrity to be reached the AA must be

habitats sites	there will be an adverse effect on integrity (AEOI) of habitats sites. Any mitigation proposed should also be assessed at this point. Should the AA conclude that the proposal would have an AEOI that cannot be excluded with mitigation measures, consider the derogation route of the HRA process. Should compensation measures be required under derogation, please contact Natural England for specific advice. Note: If an AA has been undertaken of the proposals <u>alone</u> and concluded that there will not be an adverse effect on integrity, if there are residual impacts that are not fully mitigated, these will need to be considered in combination with other plans or projects	able to show that mitigation measures can be relied upon to avoid adverse effects over the full lifetime of the project (ie construction, operation and decommissioning where relevant). To be viable, such measures should be effective, reliable, timely, guaranteed and of sufficient duration. The assessment of such measures should be supported by evidence. When deciding on whether the proposals set out in the NSIP will have an adverse effect on Integrity on a Habitats Site, the Conservation Objectives and any supplementary advice should be taken into account. Including whether the site is already exceeding the environmental thresholds for ammonia, nitrogen oxides and nitrogen deposition and has a restore conservation objective.
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14.5. Additional advice

14.5.1. Common Standards Monitoring¹ is used to define the ecological condition of a protected site. It is undertaken on a broader level and does not currently consider air quality impacts. The relevant benchmark for assessing impacts is the critical thresholds. Therefore, the existing status of a designated site should not be the sole reason for judgement on potential impact.

14.5.2. For many protected sites, the current background pollution may already be exceeding the relevant critical load/level from a different source type to the project being assessed (e.g. where the main source of background exceedance is due to agriculture, but the proposal is an industrial project). Proposals must consider their own impacts against the relevant environmental thresholds. There are many reasons why background levels are high, but the conservation objective is to 'maintain or restore' air pollutants to within these benchmarks. The objective would be undermined by proposals that add further emissions, including if it compromises any strategic initiatives to reduce air pollution levels.

14.5.3. You must determine if there is evidence that the increased emissions represent a measurable risk and could compromise the strategic initiatives. You would need to consider information on:

- the extent to which any declining national trends in air pollution, or

strategic initiatives to tackle emissions affecting the site more locally, might otherwise lead to improvements

- the rate at which such improvements are anticipated
- the extent of the impacts of a plan or project, and whether those impacts can properly be considered temporary and reversible

14.5.4. If the affected area is small, consider the risk to site integrity proportionally. For example, how important is the area in terms of rarity, location, distribution, vulnerability to change and ecological structure. If it is a supporting habitat, consider its importance to the designated species on the site. Consider any site survey information that may provide evidence of existing impacts.

14.6. Emissions from road transport (if applicable):

14.6.1. Emissions from road transport may be an operational impact or be limited to the construction phase of proposals. Roads on the affected road network that lie within 200m of a designated site should be considered. If all affected roads are further than 200m from a protected site, then there is no likely significant effect (habitats sites) or no impact (SSSIs) on protected sites from air pollution

14.6.2. Improvements in vehicle technology and a move to further electrification of the vehicle fleet will, over time, result in lower background levels of nitrogen deposition and nitrogen oxide pollution near to roads. As most sites are currently over the relevant thresholds and have a “restore” objective, this should be noted as a “retardation” of the restore objective and expressed in months and years. Retardation of less than one year is acceptable as air quality is considered against an annual average. Please note that ammonia impacts cannot be assessed in this manner as there is no certainty of a declining trend.

14.7. Defra Emissions Factor Toolkit

14.7.1. The Defra Emission Factor Toolkit (EFT) allows for gradual introduction of electric vehicles into the fleet (cars and LGVs) up to 2050. These are the emission factors we advise that NSIPs should be using (which we advise should also consider ammonia emissions as well as NO_x – using one of three sets of emission factors available). However, the User Guide to the EFT highlights that calculation tools only support assessment years 2018 up to 2030, reflecting that predictions and assumptions beyond then become less certain. Where EFT calculated emissions are to be used after 2030 to inform air quality assessments, the EFT indicates that appropriate caveats around the limitations of the analysis must be included to accompany the assessment. We therefore advise that emission factors no later than 2030 are used for HRAs– which would mean percentages of EVs are at predicted 2030 levels. A key concern is that, although EVs themselves have no tailpipe emissions, and the percentage of them will increase, the remaining combustion engine vehicles on the road may become more polluting as they age as selective catalytic reduction technology may create ‘ammonia slip’ over time. Ammonia slip is the unreacted ammonia (NH₃) that escapes from a selective catalytic reduction (SCR) or selective non-catalytic reduction (SNCR) system used to reduce NO_x in exhaust gases.

14.8. Motorways within the affected road network

14.8.1. There is potentially an added complexity to the need for in-combination assessments when considering traffic on motorways, as including these roads can mean that the assessment takes account of traffic growth related to strategic

factors or long range (external) trips that are independent of the specific plan or project and neighbouring plans or projects. These roads are strategically important and tend to have high volumes of traffic as well as being well represented in traffic models. The air quality assessment should therefore include traffic flows on these roads, but the external trips can be excluded from the initial screening assessment. A justification and explanation of which journeys are included and excluded in the traffic model should be provided.

- 14.8.2. The conclusions reached on the air pollution impacts of the HRA must be incorporated into the wider HRA conclusions for other impact pathways identified for the proposals.

14.9. How to Use this Advice in Decision Making

- 14.9.1. Provided you have followed the above advice and have been able to conclude there would be no adverse effects on any protected sites we would be able to agree with your decision to authorise the project

From: [Planning Clerk](#)
To: [Park, Emily](#); [South Brooks Solar Farm](#)
Subject: RE: EN0110027 - South Brooks Solar Farm - EIA Scoping and Consultation and Regulation 11 Notification
Date: 04 December 2025 12:05:05
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)
[image007.jpg](#)
[New Romney Town Council and HOOM scoping opinion comments.pdf](#)

Some people who received this message don't often get email from planning.clerk@newromney-tc.gov.uk.
[Learn why this is important](#)

Good afternoon,

Please find the attached comments from New Romney Town Council with the appended comments document from 'Hands of Our Marsh Community representation group'. New Romney Town Council wishes these to be included with our own comments for the scoping opinion.

Kind regards,

Sadie Walmsley

Miss Sadie Walmsley

Planning Clerk

New Romney Town Council

Email: [REDACTED]

Tel: [REDACTED]

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Scoping opinion for South Brooks solar Farm -New Romney Town Council

Biodiversity

p.22, Point 2.2.8 states “Surveys are currently taking place on the Site to identify if there is any land that is frequently utilised by notified features and if any of the land within the Site boundary therefore constitutes Functionally Linked Land (FLL).” Local Knowledge indicates that large areas of land within area of the proposed development may be recognised as FLL due to the thousands of migratory birds that use this land across the year.

The area of land on which South Brooks is proposed is rich in wildlife including many red and amber list birds, raptors, migrating birds, bats, mammals and reptiles amongst other things. It is important that sufficient surveying of this area is undertaken as although only part of the area is SSSI, wildlife across the whole area will be greatly impacted by the development and as stated above, may be FLL. It needs to be recognised that it is not only Dungeness RSPB site that is of vital importance to the bird population on the Marsh.

We would request the identification of habitat corridors/areas as part of the environmental statement.

Hydrology

p.17, Point 2.1.5 states “There are a number of ditches associated with field boundaries which are located across the Site.” It should be noted that these ditches are not just field boundaries and are integral to flood management on the Romney Marsh.

It is also important to note that many fields also have clay drainage pipes beneath their surface, integral to ensuring that they do not flood, which would not survive impact from fixing bolts securing solar panels to the ground.

It is imperative that the Romney Marsh Internal Drainage Board is fully consulted and consultation maintained throughout the development regarding the drain systems and potential impact of the works. Without this knowledge, there is a potentially high risk of flooding from drain mismanagement or destruction.

Agricultural Soils

No additional comments

Archaeology

No additional comments

Built Heritage

No additional comments

Landscape and Visual

It is important the visual impact of the structures are taken into consideration as they will be visually obstructive to the landscape . Romney Marsh is famously flat, and the visual impact is not to be underestimated.

Transport and Access

During construction, it is vital that traffic associated with the development does not enter New Romney by driving past the Lydd turning at Hammonds Corner. The volume of traffic cannot progress through the High Street and, at the traffic lights by Sainsbury's, turn right at the Avenue and then, at the end of the road, turn along the coast road towards Greatstone. The congestion, noise and dust concerned would be prohibitive and would affect those living along the route.

It would be better for the construction traffic to turn right, towards Lydd, at Hammonds Corner and then turn left across the fields towards the site.

Carbon and Climate Change

No additional comments

Noise and Vibration

How will the noise/vibration impact the bee population? There are a number of hives located near to the development and The Bumblebee Conservation Trust have been working with Kent County Council on Kent's Plan Bee. What assessments will be carried out to ascertain the environmental impact on the bees in our area?

Human Health

Leisure activities in the area will be disrupted especially at the weekend when there is an influx of tourist traffic.

Timing of construction- the issues of construction timings should be considered due the proximity of businesses and residents and local schools, weekends and evenings should be free from construction.

Socioeconomics

Disruption to businesses in the area needs to be analysed.

Air Quality (Scoped out)

Air Quality – Construction Dust – Appendix C p.2 (p.31 of the document) Please note that the houses in Dunes Road already experience a significant amount of dust over the summer months during which time the land included in South Brooks C is harvested and ploughed. Part of this is due to the soil content. If construction is to take place on this land, it is important to include this in the risk assessment and corresponding dust management plan mentioned in the scoping document.

Land and Groundwater (Scoped out)

The natural aquifers have to be protected from sea water and other contaminants. What safeguards will be put in place to protect and monitor this?

Environmental Topics (Scoped out)

We believe there needs to be an assessment of the fire risks, i.e. the battery storage and regulation of temperature, what size bunds are required for contaminant containment?

New Romney Town Council wishes to append the below document from Hands Off our Marsh community group to our comments to be included in the scoping opinion.



Scoping Opinion: Community Representation

Re: South Brooks Solar Farm (EN0110027)

Environmental Impact Assessment Scoping Report - November 2025

Submitted to relevant local council departments on behalf of Hands Off Our Marsh CIC

(email: [REDACTED])

This representation is for the attention of the Planning Inspectorate. We request that this community input on environmental issues is appended to the responses of council bodies to PINS as part of the early stage NSIP pre-application process.

Date: 1st December 2025

Summary Table: Requested Scoping Changes by Topic Area

Topic Area	SR/ES Chapter(s)	Requested Change	Why This Matters in Romney Marsh
Air Quality	17	Scope in, full baseline + construction/dust/nitrogen/BESS. Quote: “unlikely to result in significant effects”	Proximity to SAC/SPA/SSSI, sensitive to dust, rural receptors
Land/Groundwater	18	Scope-in; baseline monitoring, full CSM; SPZ protection. Quote: “impacts are not significant and can be scoped out”	Critical public aquifer, SPZs crossed, GWDTEs, saline intrusion risk
Materials/Waste	19	Quantify: tonnage for steel/concrete/glass/ cabling, waste/BESS hazardous; detail on lifecycle.	Flood risk, large volumes, hazardous substances in BESS
Hydrology/Drainage	7	Model field drains, IDB access, ditch connectivity; address “Rochdale Envelope” limits.	Area relies on piped underdrainage, IDB statutory access/ flood management
BMV Land	8	Publish ALC methods and results, clarify compaction/shading impact, reversibility, soil wetness class	Food security, Marsh is productive and difficult to restore
Biodiversity/HRA	6	Publish all bird/bat survey data; confirm scope/method for FLL + HRA, lighting design; incombination HRA	SPA/SSSI dependency, farmland bird declines, bats, FLL ambiguity
Cumulative Impacts	5	List ALL local NSIPs for cumulative; can’t exclude for lack of data	High density of projects, “death by a thousand cuts” risk
Socioeconomics/ Tourism	16	Add tourism volume data; socioeconomic/tourist impact on jobs, Coast Path	International destination, major local employer/ economic pillar

Table 1: Summary of Requested Scoping Changes and Marsh-Specific Context

Executive Summary

This representation is submitted in response to the Environmental Impact Assessment (EIA) Scoping Report for the South Brooks Solar Farm project (Planning Inspectorate Reference EN0110027). It identifies serious deficiencies in the proposed scope of assessment, including inappropriate attempts to scope out key environmental topics, inadequate treatment of Romney Marsh's highly sensitive hydrology, biodiversity, agricultural soils and tourism economy, and an incomplete approach to cumulative impacts with other Nationally Significant Infrastructure Projects (NSIPs) in the area. For a comparable solar NSIP in the same wider landscape context – Shepway Energy Park – the Planning Inspectorate required substantially more detailed information and tighter Rochdale Envelope parameters (including detailed BESS specification and safety assessment, fixed maximum infrastructure heights and footprints, pre-application ALC, drainage stand-offs, HDD breakout and cable-thermal assessments, and explicit BESS fire analysis) than are currently provided for South Brooks, and a similar level of scrutiny is therefore warranted here to ensure consistency and compliance.^{[1][2][3]}

The submission is structured to assist the Secretary of State and the Planning Inspectorate in mapping concerns directly to specific Scoping Report chapters and ensuring compliance with the Infrastructure Planning (EIA) Regulations 2017 and PINS Advice Note Seven on EIA scoping. It highlights, with cross-references, where the applicant's own text and conclusions in Chapters 17 (Air Quality), 18 (Land and Groundwater) and 19 (Materials and Waste) do not provide a robust, evidence-based justification for scoping matters out of the EIA, given the presence of Source Protection Zones, extensive engineered drainage, internationally designated habitats and a heavily tourism-dependent local economy.^{[2][4][5][1]}

In particular, the representation asks that the Scoping Opinion:

- o Requires air quality, land contamination/groundwater, and materials and waste to be fully scoped into the ES, with quantified “reasonable worst-case” assumptions in line with Rochdale Envelope practice, and with additional detail on BESS technology (battery chemistry, container numbers and configuration) and BESS fire/explosion and fire-water run-off risks as PINS has required for other large solar NSIPs.^{[3][6]}
- o Strengthens hydrology and flood-risk requirements to include explicit assessment of Internal Drainage Board (IDB) access and freeboard obligations, the extensive subsurface field drainage network, climate-change allowances, watercourse and ditch crossing inventories, HDD breakout risk, drainage stand-offs from watercourses, and thermal effects from buried high-voltage cables on groundwater and ditch ecology, using the most up-to-date Environment Agency flood and coastal datasets.^{[1][2][3]}
- o Tightens biodiversity and Habitats Regulations Assessment (HRA) expectations, including multi-season bird surveys, transparent publication of breeding and non-breeding bird data, clear Natural England-agreed methodology for Functionally Linked Land (FLL) aligned with favourable conservation status concepts, detailed quantitative lighting design

in line with current bat and lighting guidance, and an HRA approach that fully addresses in-combination effects at Appropriate Assessment stage.^{[7][8][9][2]}

- o Requires a more rigorous assessment of agricultural land (including publication of ALC survey methods, completion of pre-application ALC across all land needed for panels, BESS/substations, cables and haul routes, soil wetness/droughtiness classes and long-term shading/compaction effects, and full BMV area-by-grade tabulation and justification), landscape and visual change (including ZTVs and LVIA based on the tallest infrastructure and Residential Visual Amenity Assessment where indicated), noise, vibration and human health (including decommissioning), socio-economic and tourism impacts (using local visitor data for Dungeness and Romney Marsh), transport (including Abnormal Indivisible Loads and PRoW user evidence), and cumulative effects across all relevant NSIPs and large energy projects in the Marsh.^{[5][2][3][1]}

This submission is expressly intended to assist the Secretary of State in ensuring that the Scoping Opinion secures an Environmental Statement that is complete, proportionate and compliant with the EIA Regulations 2017 and PINS Advice Note Seven, reflects recent PINS practice on comparable solar NSIPs, and properly reflects the exceptional environmental and community sensitivities of Romney Marsh.^{[4][3]}

Introduction and Context

1.1 The Strategic Importance of Romney Marsh

Romney Marsh represents a landscape of exceptional environmental, agricultural, and cultural value, combining internationally important wetland and coastal habitats with some of the most productive agricultural land in England. The area is characterized by:^[1]

- o Critical groundwater resources and engineered drainage systems that protect low-lying communities and farmland from flooding and saline intrusion.^[1]
- o Internationally and nationally designated sites for biodiversity (SAC, SPA, SSSI, Ramsar) that support rare plants, invertebrates, breeding and wintering birds, and intricate ditch and grazing-marsh assemblages.^{[2][1]}
- o Predominantly Grade 1 and 2 “best and most versatile” agricultural land, making a disproportionate contribution to national food security at a time when the UK already imports a large share of its food.^[1]
- o A flat, open and highly distinctive landscape, valued for long views, dark skies, heritage features and quiet recreation, which underpins a local economy significantly reliant on tourism and outdoor amenity, including visits to Dungeness, the wider Romney Marsh, and the England Coast Path.^{[10][5]}

These characteristics mean that even ostensibly “temporary” changes in land use, drainage or infrastructure can have long-lasting consequences for flood risk, groundwater quality, biodiversity, landscape character and the viability of the local agricultural and tourism economies. The Scoping

Report also notes that the Site boundary is “partially located within” the Dungeness, Romney Marsh and Rye Bay SSSI despite no clear development currently proposed within that SSSI area. In this context, it is essential that the ecological mitigation hierarchy (avoid–minimise–restore–offset) is demonstrably applied from the outset, with a clear presumption against development within SSSI land and full transparency over any subsequent design changes that reduce or remove SSSI overlap, so such changes are properly recognised as basic avoidance in line with good practice rather than retrospectively presented as environmental gain.^{[8][11][2][1]}

1.2 Cumulative Development Pressures

Romney Marsh is currently subject to multiple NSIP-scale solar and other energy developments, creating unprecedented cumulative pressures on this sensitive landscape and hydrological system. The Scoping Report acknowledges this context only in high-level terms and does not fully address how this project will interact with other consented and proposed schemes in terms of:^{[2][1]}

- o Hydrological connectivity, groundwater resources and the engineered drainage network (including Internal Drainage Board infrastructure and extensive subsurface field drains).
- o Habitat fragmentation, displacement of species, and loss or degradation of Functionally Linked Land (FLL) supporting qualifying SPA/Ramsar bird populations.^{[8][2]}
- o Flood risk, drainage capacity and maintenance access for the IDB and Environment Agency.
- o Traffic and construction impacts on rural road networks and local communities, including Abnormal Indivisible Loads and construction compounds.^[3]
- o Landscape character, visual amenity and the setting of heritage assets across the Marsh and Dungeness, particularly given the proposed tall substation and BESS infrastructure.^{[12][10]}
- o Socioeconomic effects on tourism, recreation, agriculture and local businesses in a landscape where heritage- and nature-based tourism are key economic drivers.^{[11][5]}

For Shepway Energy Park, a solar NSIP of similar type and strategic context, the Planning Inspectorate required a materially more stringent approach to cumulative assessment, including a clearly justified Rochdale Envelope with fixed maximum parameters for all major infrastructure, detailed project lists and functionally defined study areas, full pre-application ALC, explicit BESS fire and HDD breakout assessment, cable-thermal analysis, and topic-specific cumulative methodologies. Given the similarity in technology, scale and setting, a comparable level of scrutiny and information is needed for South Brooks to ensure consistent decision-making, robust cumulative assessment and compliance with the EIA Regulations and PINS Advice Note Seven.^{[4][3]}

1. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
2. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
3. <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110017-000003-EN0110017-Shepway-Energy-Park-Scoping-Opinion-2017-EIA-Regs.pdf>

4. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>
5. <https://romneymarshhistory.co.uk/tourismbusiness>
6. <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010133-000444-C7.9 Outline Battery Storage Safety Management Plan.pdf>
7. <https://www.gov.uk/guidance/appropriate-assessment>
8. <https://publications.naturalengland.org.uk/publication/5359972901453824>
9. <https://tamlite.co.uk/wp-content/uploads/2023/08/41867-ILP-GN08-FINAL-1.pdf>
10. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>
11. https://rdcpublish.blob.core.windows.net/website-uploads/2020/01/SUPPORTING_DOCUMENT_4_Visitor_Assessment.pdf
12. <https://www.folkestone-hythe.gov.uk/planning/romney-marsh-solar-farm-planning-applications/4>

2. Challenge to Inappropriately Scoped-Out Topics

2.1 Air Quality (Chapter 17)

Applicant's Position:

The Scoping Report states that air quality effects are “unlikely to result in significant effects” and therefore can be scoped out of further assessment in the Environmental Statement, on the basis of the rural location and limited anticipated emissions during construction and operation.^[1]

Our Concerns:

Air quality must not be scoped out. The justification in Chapter 17 relies on general statements about low emissions rather than a quantified, Romney Marsh-specific assessment:^[1]

- o **Construction Phase Impacts and Sensitive Receptors:**

No robust evidence is provided for the volume, duration, routing or timing of Heavy Goods Vehicle (HGV) and construction traffic movements. On narrow rural roads serving scattered settlements, designated sites and tourism assets, such movements have clear potential to generate dust and NO_x, including along access routes as well as within the site. The site lies within close proximity of highly sensitive ecological receptors, including SAC/SPA/SSSI/Ramsar features that are vulnerable to both construction dust and nitrogen deposition. Without a quantified Construction Dust Assessment and dispersion assessment, it is not credible to assert that effects are “unlikely to be significant”.^{[2][3][1]}

- o **Proximity to Designated Sites and Nitrogen Deposition:**

The internationally important Dungeness, Romney Marsh and Rye Bay designations include species and habitats known to be sensitive to air pollution, including lichens and bryophytes. Any additional nitrogen or dust loading – especially when added to the baseline and in-combination with other energy projects – must be explicitly assessed, not assumed negligible.^{[4][5]}

- o **Cumulative Effects and Other Projects:**

Multiple large solar and energy schemes are proposed or operational across Romney Marsh. Construction phases could overlap, leading to concurrent HGV movements and dust/emission peaks on shared access roads and near shared receptors. A project-only view risks underestimating these effects.^{[6][2]}

- o **Battery Energy Storage System (BESS) Incident Scenarios:**

The Scoping Report does not address air quality implications of potential thermal runaway or fire events in BESS containers (e.g. smoke, toxic gases). Even if low-probability, such scenarios must be assessed for both human and ecological receptors, including worst-case meteorological conditions and fire-water run-off effects, in line with PINS expectations for similar NSIPs.^{[7][6]}

Why This Matters in Romney Marsh:

Romney Marsh hosts internationally designated habitats and a tourism-dependent community whose attractiveness relies heavily on environmental quality and tranquillity; even temporary or localised air quality deterioration can have disproportionate ecological and perceptual impacts in such a setting.^{[8][4]}

Recommendation:

Air quality must be scoped into the ES and include:

- o A quantified Construction Dust Assessment and traffic-related emissions assessment, using reasonable worst-case HGV and construction traffic scenarios, aligned with current IAQM guidance.^[2]
- o Assessment of nitrogen deposition and dust impacts on nearby SAC/SPA/SSSI/Ramsar features and Functionally Linked Land.
- o Cumulative assessment of construction and operational emissions with other major energy and infrastructure projects in and around Romney Marsh.
- o Explicit consideration of BESS thermal incident scenarios and resulting air quality and health risks, including smoke and toxic gas dispersion and fire-water run-off to ditches and drains.^{[6][7]}

2.2 Land Contamination and Groundwater (Chapter 18)

Applicant's Position:

Chapter 18 concludes that potential impacts on land quality and groundwater are “not significant” and can largely be scoped out on the basis that standard surface-water and groundwater protection measures will be employed and that potential effects on geological SSSI features are limited.^[1]

Our Concerns:

Given the presence of Secondary A aquifers, Source Protection Zones and groundwater-dependent ecosystems beneath and around the site, the decision to scope out land contamination and groundwater is fundamentally inappropriate:^{[4][1]}

- o Source Protection Zones and Aquifer Sensitivity:
The cable routes and development parcels intersect multiple Source Protection Zones protecting public and private water supplies. Any intrusive works (piling, trenching, dewatering) within SPZs can introduce or mobilise contaminants and alter flow paths. A generic commitment to “good practice” is no substitute for a full Hydrogeological Risk Assessment.^{[9][1]}
- o Lack of Baseline Monitoring and Conceptual Site Model (CSM):
There is no evidence of a robust baseline groundwater monitoring programme across seasons, nor of a conceptual site model that identifies sources, pathways and receptors (including SPZ abstractions, private boreholes, ditches and groundwater-dependent

terrestrial ecosystems). Without these, it is impossible to conclude that effects are “not significant”.^[9]

- o Construction-Phase Contamination Pathways:

Trenching and piling may create preferential pathways; fuel, oil, concrete and chemical use introduce spill risks; dewatering (if required) can mobilise existing contaminants and alter groundwater levels; earthworks in wet conditions can drive sediment and pollutant movement towards drains and ditches. All these pathways must be identified and assessed quantitatively.^[1]

- o Legacy and Radiological Contamination:

The long agricultural history of the site points to potential residues of pesticides, herbicides, fertilisers and fuel. In addition, the strategic context of Dungeness nuclear facilities underscores the need to rule out radiological or other legacy contamination risks along cable routes and within drainage catchments.^{[10][1]}

- o Saline Intrusion and Climate Change:

The coastal location and low-lying nature of Romney Marsh make the freshwater–saltwater balance particularly sensitive. Earthworks, drainage changes and climate-driven sea-level rise could interact to alter saline intrusion risk into freshwater aquifers and drainage ditches, with knock-on effects for water supply and ecosystems.^{[11][4]}

- o Groundwater-Dependent Ecosystems (GWDTEs) and Ditch Networks:

Wetland habitats and ditch systems associated with designated sites rely on specific groundwater and surface-water regimes. Even modest changes in water level, chemistry or flow patterns can cause ecological degradation, which must be considered both in EIA and HRA.^{[3][12]}

Why This Matters in Romney Marsh:

The Marsh’s aquifer and engineered drainage system underpin drinking-water supplies, agriculture, flood defence and wetland ecology. Any failure to characterise and protect groundwater properly risks irreversible harm to these inter-linked functions.^[4]

Recommendation:

Land contamination and groundwater must be fully scoped into the ES, supported by a comprehensive Hydrogeological Risk Assessment that includes:

- o At least 12 months of baseline groundwater monitoring (levels, flow directions and chemistry).
- o A detailed conceptual site model covering all relevant sources, pathways and receptors (including SPZs, abstractions, ditches and GWDTEs).
- o Quantitative risk assessment of all construction and operational activities (including piling, trenching, dewatering, spills and BESS compounds).

- o Assessment of saline intrusion risk under climate-change scenarios.
- o Phase 1 and, where indicated, Phase 2 site investigations with appropriate chemical and geotechnical testing.
- o A clear mitigation and monitoring strategy, showing how risks will be avoided, reduced, managed and, where necessary, remediated.^{[13][9]}

2.3 Materials and Waste (Chapter 19)

Applicant's Position:

The Scoping Report proposes to scope out materials and waste on the basis that impacts are largely controlled through existing permitting regimes and regulatory controls at off-site manufacturing and waste-management facilities.^[1]

Our Concerns:

Materials and waste cannot be scoped out for a scheme of this unprecedented scale on Romney Marsh:^{[14][1]}

- **Scale and Quantification of Materials Demand:**

A development of this size will require very substantial quantities of steel, aluminium, glass, cabling, concrete, aggregates and battery units. Without quantified “reasonable worst-case” estimates for key materials, it is impossible to assess impacts on supply chains, embodied carbon, transport and local road networks.^[6]

- **Transport Movements and Local Roads:**

Construction and decommissioning will involve high volumes of HGV movements delivering materials and removing waste, on a rural road network already under pressure from other large projects. These movements have direct implications for air quality, noise, road safety and disturbance, and must be assessed cumulatively rather than dismissed as a matter for generic “good practice”.^{[14][2]}

- **Hazardous and Difficult Wastes (Including BESS):**

The project will generate or handle hazardous wastes, including:

- o BESS components and electrolyte materials.
- o Photovoltaic modules containing metals and other substances of concern.
- o Potentially SF₆-containing switchgear.
- o Contaminated soils and sludges where excavation intersects existing pollution.

The Scoping Report provides no scenario-based assessment of how such wastes will be stored, transported, treated or disposed of under normal operation or failure scenarios, despite PINS requiring BESS waste and firewater impacts to be addressed for similar schemes.^{[7][6]}

- **Decommissioning and Long-Term Legacy:**

Over a proposed multi-decade operational life, large quantities of solar panels, structures, cabling and BESS units will eventually reach end-of-life. Without a clear decommissioning strategy, there is a risk of stranded assets, unmanaged waste streams and residual contamination, particularly in flood-prone and groundwater-sensitive land.^{[6][1]}

- **Cumulative Materials and Waste Across NSIPs:**

With several mega-solar and battery schemes proposed across Romney Marsh and Kent, the combined demand for materials and the cumulative burden on regional waste-management capacity are likely to be significant. These must be addressed explicitly in the EIA, not assumed negligible.^{[14][6]}

Why This Matters in Romney Marsh:

The Marsh's constrained road network, flood-prone land and sensitive aquifer/drainage system mean that large volumes of materials and waste carry disproportionate risk during both delivery and removal phases, especially when combined with other major schemes.^{[4][14]}

Recommendation:

Materials and waste must be fully scoped into the ES, including:

- o Quantified, reasonable worst-case estimates of key construction and decommissioning materials (steel, glass, aluminium, cabling, concrete, aggregates, BESS units).
- o Forecasts of HGV and other construction/decommissioning traffic movements linked to material and waste flows, assessed for both standalone and cumulative effects.
- o Identification and assessment of all hazardous and difficult wastes, including BESS failure scenarios and contaminated soil management, with clear storage, handling and disposal routes.
- o A high-level but credible decommissioning and waste-management strategy, showing how materials will be recovered, recycled or disposed of, and how pollution risks will be controlled on flood- and groundwater-sensitive land.
- o Consideration of circular-economy and waste-hierarchy principles, demonstrating how the project will minimise primary resource use and maximise recovery.^{[13][6]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-on-cumulative-effectsassessment>
3. <https://www.gov.uk/guidance/appropriate-assessment>
4. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
5. https://rdcpbublic.blob.core.windows.net/website-uploads/2020/01/SUPPORTING_DOCUMENT_4_Visitor_Assessment.pdf
6. https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110017-000003-EN0110017_Shepway_Energy_Park_Scoping_Opinion_2017_EIA_Regs.pdf
7. https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010133-000444-C7.9_Outline_Battery_Storage_Safety_Management_Plan.pdf
8. <https://romneymarshhistory.co.uk/tourismbusiness>

9. https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010135-000574-SSG_5.4A_ES_Vol_4_Appx_10.3_WFD_Assessment.pdf
10. https://rdcpublic.blob.core.windows.net/website-uploads/2020/01/SUPPORTING_DOCUMENT_1_Nature_Conservation_reduced.pdf
11. https://www.southernwater.co.uk/media/nzjbtjg/annex_18_sea_report-1.pdf
12. <https://www.doverdistrictlocalplan.co.uk/uploads/pdfs/habitat-regulation-assessment-of-the-draft-localplan-2020.pdf>
13. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>
14. https://democracy.kent.gov.uk/documents/g9748/Public_reports_pack_09th-Sep-2025_10.00_Environment_Transport_Cabinet_Committee.pdf?T=10

3. Inadequacy of Scoped-In Assessments

3.1. Hydrology, Flood Risk, and Drainage

Our Concerns:

While flood risk is scoped into the assessment (Scoping Report Chapter 7), the proposed approach is incomplete and underplays the particular sensitivities of the Romney Marsh drainage system, aquifer, and field-scale hydrology.^{[1][2]}

1. **Romney Marsh Drainage System Sensitivity and IDB Duties:** Romney Marsh relies on an engineered network of drains, ditches, sewers and pumping infrastructure managed by the Environment Agency and the Internal Drainage Board (IDB). Even modest changes to surface water runoff, infiltration, or connectivity could have significant downstream consequences for flood risk, agricultural land drainage and ditch ecology. The Scoping Report does not identify, or propose to assess, the IDB's statutory requirements for maintaining access to ditches and structures for inspection, maintenance and dredging, or maintaining operational freeboard and water-level management across the catchment. The ES must explicitly assess how construction and operation will maintain IDB access to all relevant ditches, banks and structures, and how freeboard and operational levels will be protected under both current and future climate scenarios.
^{[2][1]}
2. **Flood Zones, Runoff and Storage:** The majority of the proposed development is within Flood Zones 2 and 3, with tidal influences and local areas of surface-water risk highlighted in the Scoping Report. Large-scale solar infrastructure, access tracks, compounds and substations (including BESS units up to 6m high and substations up to 15m high on reinforced concrete bases up to 2m deep) risk: increasing surface-water runoff rates and volumes; reducing infiltration capacity through soil compaction; displacing existing flood storage and altering overland flow paths; and constraining access to ditches and culverts during flood events. These effects must be quantified using Romney-Marsh-appropriate hydraulic modelling and not left at a qualitative level.
^{[1][2]}
3. **Artificial Field Drainage Systems – Critical Omission:** The Scoping Report recognises the surface ditch network but fails to acknowledge or assess the extensive subsurface artificial drainage pipe systems that underlie the agricultural fields proposed for development. Romney Marsh farmland is heavily dependent on underdrainage networks of perforated pipes that transfer excess water from the soil profile into the ditch system, preventing waterlogging, maintaining soil structure and enabling food-producing agriculture. Construction and operation pose severe risks to these systems through pipe severance or crushing during piling and trenching, soil compaction by heavy plant, sediment ingress and blockage, and alteration of gradients and outfalls. Damage or loss of artificial drainage would likely result in persistent waterlogging and loss of agricultural productivity, increased runoff burdening ditches and raising flood risk, soil structural degradation, knock-on ecological effects on margins and hedgerows, and potential changes to groundwater recharge. The ES must therefore include comprehensive survey and mapping of all artificial

drainage infrastructure across the development site (depth, alignment, materials, condition and connectivity), assessment of construction methodologies and plant access routes in relation to drainage integrity, design of protection/diversion/replacement strategies agreed with landowners and the IDB, post-construction monitoring, and clear financial provisions for restoration or compensation.^[1]

4. **Rochdale Envelope and Hydrological Uncertainty:** The Scoping Report relies heavily on Rochdale Envelope principles, presenting wide parameter ranges for key design elements such as piling depth, ground cover ratio, access-track widths, impermeable area percentages, and, critically, BESS and substation dimensions (BESS units up to 6m high; substations up to 60,000m² footprint and 15m high, with 2m-deep concrete foundations). Hydrological and flood-risk effects cannot be robustly assessed while these parameters remain open-ended. The Scoping Opinion should therefore require that a set of hydrology-critical design parameters (including maximum impermeable area, typical and maximum pile depths, maximum BESS and substation footprints and heights, track specifications and compound areas) is fixed and adopted as a “reasonable worst-case” for all flood and drainage modelling, and that any subsequent design change that would materially increase flood or drainage impacts is explicitly re-assessed and reported.^{[3][1]}
5. **Climate Change Scenarios:** Given the effective design life and decommissioning horizon of the project, the Flood Risk Assessment must apply the latest relevant climate-change allowances for peak rainfall, sea-level rise and fluvial/tidal interaction across the 60–100-year timescale, and consider combinations of higher rainfall, reduced infiltration (from compaction and infrastructure), and raised baseline water levels in the Marsh drainage system.^{[2][1]}
6. **Watercourse Crossings and Ditch Morphology:** Cable routes and access tracks will cross multiple named watercourses and IDB drains, including Jurys Gut Sewer, Dengemarsh Sewer and associated ditches. The ES must specify and assess crossing methods (trenched, HDD, culverts, bridges), potential impacts on channel morphology, conveyance capacity and bank stability, implications for aquatic habitats and riparian vegetation, and IDB and Environment Agency access and maintenance implications.^[1]
7. **Cumulative Drainage Impacts:** The Scoping Report gives only high-level treatment to cumulative effects, yet Romney Marsh is already subject to multiple large-scale solar and energy projects whose combined effect on drainage capacity, groundwater recharge and pumped systems may be substantial. The ES must evaluate the aggregate reduction in infiltration and increase in runoff from all relevant NSIPs and significant energy schemes in the Marsh, and the cumulative implications for IDB operations, pumping demand, ditch maintenance and residual flood risk to settlements and agriculture.^{[2][1]}

Recommendation:

The ES must provide a Romney-Marsh-specific hydrology and flood-risk assessment that includes: fixed “reasonable worst-case” design parameters for all hydrology-relevant infrastructure under the

Rochdale Envelope; detailed hydraulic modelling and a Surface Water Drainage Strategy incorporating SuDS calibrated for Marsh conditions; full survey and assessment of subsurface artificial field drainage networks, with clear protection, diversion and/or replacement commitments; assessment of impacts on IDB infrastructure, operational freeboard and statutory access requirements, informed by direct consultation with the IDB and Environment Agency; climate-change sensitivity analysis to at least 2100; assessment of all watercourse and ditch crossings on morphology, capacity and ecology; and cumulative hydrological and drainage impact assessment across all relevant NSIPs and major energy schemes in the Romney Marsh catchment.^{[2][1]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
3. [https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda EIA Scoping Report.pdf](https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda_EIA_Scoping_Report.pdf)

3.2.Biodiversity and Habitats Regulations Assessment

Our Concerns:

While biodiversity is scoped in, the current approach to baseline surveys, valuation and Habitats Regulations Assessment (HRA) remains incomplete and lacks the transparency and specificity required for such a sensitive location close to internationally designated sites and Functionally Linked Land (FLL).^{[1][2]}

1. **Survey Effort, Seasonality, and Transparency:** The Scoping Report states that breeding, wintering and passage bird surveys, habitat mapping and a range of species-specific surveys are underway or completed but does not commit to publish the underlying survey reports or to clearly explain how these data will be used to define and protect key ecological features. Given the presence of Schedule 1 birds, Schedule 5 invertebrates, water voles, great crested newts, rare plants and notable farmland birds, multi-season, multi-year data must be fully reported within the ES, including methods, coverage, limitations and raw data summaries. In particular, the completed breeding bird survey and territory mapping exercise must be published in full, with mapped territories for key species (including Tree Sparrow, Skylark, Yellowhammer and Corn Bunting) to inform avoidance and buffering of hedgerows and field margins. Given reference to the NERC Act 2006, the ES should also confirm the survey and assessment approach for NERC Section 41 species known on the peninsula such as Harvest Mouse, Brown Hare and Hedgehog, or provide robust justification for any decision to scope these out.^{[3][1]}
2. **Hedgerows, Farmland Birds, and Habitat Valuation:** Many hedgerows are described in the Scoping Report as “defunct” or “species poor”, yet breeding bird work and local ecological evidence identify their use by Tree Sparrow (of at least county importance) and declining farmland birds such as Yellowhammer and Corn Bunting. Treating these linear features as low ecological value is inconsistent with their demonstrated role as nesting and foraging habitat, and the use of broad statements about “low” breeding bird density is misleading if it fails to reflect the geographic importance of specific species (e.g. Tree Sparrow at county level, Skylark at least local/district level). The ES must therefore: (a) treat hedgerows and associated field margins as key ecological features in both EclA and HRA; (b) explicitly value farmland bird assemblages using recognised geographic importance scales; and (c) show how the design will retain, buffer and enhance these hedgerows, including where they form flightlines or foraging routes between designated sites/FLL and the wider countryside.^[1]
3. **Functional Habitat Connectivity and Functionally Linked Land (FLL):** Non-breeding bird surveys are said to be identifying land within the site that is “frequently utilised” by SPA and Ramsar notified features so as to identify FLL. However, no definition of “frequently utilised” is given, and there is no published methodology, mapping or threshold for classifying land as FLL. The term “frequently” can be interpreted very differently, and must be grounded in objective, evidence-based criteria. The ES and HRA must therefore: (a) use a definition and criteria for FLL aligned with Natural England’s guidance on functional linkage and favourable conservation status, agreed with Natural England in advance, and drawing on both current survey and historical data;

(b) publish the FLL survey methods, spatial coverage and analysis; (c) map all areas of FLL and show how they will be avoided, buffered or compensated through design and mitigation; and (d) explicitly assess effects on qualifying species in terms of maintaining or restoring populations at favourable conservation status.^{[4][5][1]}

4. **Indirect Hydrological Impacts on Biodiversity:** Changes in groundwater levels, surface water quality, ditch water levels and artificial drainage performance could indirectly affect ditch communities, wet grassland and other wetland habitats within and beyond the site boundary, including in designated sites and FLL. These pathways must be clearly modelled and then integrated into both EclA and HRA, rather than treated purely as hydrology/flood-risk issues, with explicit assessment of how altered hydrology may affect qualifying features and other sensitive ecological receptors.^{[6][1]}
5. **Artificial Light Impacts and Detailed Lighting Design:** The Scoping Report mentions potential lighting effects but does not commit to a quantitative Detailed Lighting Design. For both birds and bats, this is inadequate so close to internationally important wetland sites and key flight corridors. The ES must therefore provide: (a) a Detailed Lighting Design with lux contour plots at agreed distances, spectral characteristics, hours of operation and control regimes, following current good practice (e.g. ILP GN08/23 on bats and artificial lighting); (b) assessment of lighting impacts on nocturnal and crepuscular species (including bats) and on migratory and breeding birds, including barrier and attraction effects; and (c) secured commitments to maintain dark corridors and minimise light spill towards designated sites, FLL and key hedgerow/linear features, with these measures embedded and enforceable via DCO requirements.^{[7][8][1]}
6. **Habitats Regulations Assessment – Approach and In-Combination Effects:** Given the clearly foreseeable potential for significant effects on European and Ramsar sites, Appropriate Assessment under the Habitats Regulations will be required. The Scoping Opinion should therefore: (a) assume from the outset that an Appropriate Assessment is necessary; (b) require that in-combination effects with other NSIPs and relevant plans/projects are assessed at the HRA stage, not deferred; and (c) ensure that mitigation measures relied on in HRA are secured through enforceable DCO requirements and clearly cross-referenced in the ES.^{[2][9][1]}
7. **Use of Buildings by Protected Species:** The Scoping Report states that no demolition works are currently proposed, yet there are buildings within the Site known to be used by wildlife, including nesting Barn Owl and Kestrel. The ES must: (a) ensure that all such buildings are surveyed to appropriate current guidance; and (b) make clear that any subsequent design change introducing demolition or major works to these structures would trigger updated survey, assessment and, where necessary, licensing and mitigation.^[1]
8. **Natural England Engagement, oLEMP, and Transparency:** All biodiversity survey reports, FLL analyses, HRA screening and Appropriate Assessment documentation must be submitted to and discussed with Natural England and made available to the public as part of the examination documentation. The Outline Landscape and Ecology Management Plan (oLEMP) should set out a

clear framework for ongoing ecological monitoring and adaptive management, including triggers for additional habitat enhancement where monitoring shows that predicted outcomes are not being achieved. This transparency is essential to allow independent scrutiny of survey adequacy, FLL identification, lighting and hydrology impact pathways, and proposed mitigation.^{[3][4][1]}

Recommendation:

The biodiversity and HRA work must be strengthened to include: comprehensive, multi-season and multi-year surveys with full reporting and publication of breeding bird and other key survey data; explicit recognition and protection of hedgerows and field margins supporting Tree Sparrow, Skylark, Yellowhammer, Corn Bunting and other notable species; a Natural England-aligned methodology for defining, mapping and securing Functionally Linked Land in terms of favourable conservation status; quantitative Detailed Lighting Design and dark-corridor commitments based on current guidance; an HRA that assumes Appropriate Assessment and fully addresses in-combination effects with other projects; clear treatment of buildings used by protected species; and full transparency and Natural England engagement on all biodiversity, FLL and HRA outputs, supported by an oLEMP that embeds monitoring and adaptive management.^{[2][4][1]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.gov.uk/guidance/appropriate-assessment>
3. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>
4. <https://publications.naturalengland.org.uk/publication/5359972901453824>
5. <https://publications.naturalengland.org.uk/publication/6303434392469504>
6. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
7. <https://tamlite.co.uk/wp-content/uploads/2023/08/41867-ILP-GN08-FINAL-1.pdf>
8. <https://www.southandvale.gov.uk/app/uploads/2024/09/South-Vale-Lighting-Design-Guidance.pdf>
9. https://www.legislation.gov.uk/ukia/2025/155/pdfs/ukia_20250155_en.pdf

3.3.Landscape, Visual Impact, and Heritage

Our Concerns:

Romney Marsh is recognised as a nationally distinctive landscape, characterised by flat, open grazing marsh, big skies and coastal shingle, and containing a rich assemblage of heritage assets and historic landscape features. The Scoping Report acknowledges these interests but underestimates their sensitivity and the potential for significant, and potentially transformative, change arising from very large, tall built elements such as Battery Energy Storage System (BESS) units and on-site substations.

[1][2][3]

1. **Landscape character and sensitivity, including tall structures**

The ES must explicitly acknowledge Romney Marsh's recognition as a distinct National Character Area and as a key part of local and regional landscape strategies. Within this context, the proposed industrial-scale solar arrays are accompanied by BESS units up to 6m high and substations with an indicative footprint of up to 60,000m² and a maximum height of 15m on reinforced concrete foundations up to 2m deep. These structures are comparable in height to multi-storey buildings and on a footprint akin to major industrial facilities, representing a very substantial vertical and volumetric intrusion into an otherwise low, flat, generally open landscape. The LVIA must therefore:[2][1]

- o Treat these maximum dimensions as "reasonable worst-case" parameters under the Rochdale Envelope and explicitly assess their visual and character effects.
- o Consider whether such tall, large-footprint elements are inherently incompatible with the prevailing landscape character, even where peripheral screening is proposed.[4][1]

2. **Cumulative landscape transformation**

Multiple solar NSIPs across Romney Marsh risk transforming the landscape from an open, agriculture-dominated mosaic to a contiguous industrial energy platform. The ES must assess this cumulative transformation explicitly, not just as incremental, site-specific change, including:[1][2]

- o Mapping the combined footprint, structural height and visual influence of all relevant solar and energy projects, including turbines, substation compounds and BESS units.
- o Assessing whether a "tipping point" is reached at which the Marsh's distinctive character and sense of openness are effectively lost.

3. **Visual receptors and recreational assets**

The Scoping Report underplays views from: the King Charles III England Coast Path and other PRoW; local settlements and dispersed properties; visitors to Dungeness and the wider Romney Marsh area; and users of Lydd Airport flight paths. The LVIA must therefore:[3][1]

- o Include agreed viewpoints from these locations, with photomontages that clearly depict the full height and bulk of BESS units (up to 6m) and substations (up to 15m), including associated fencing, lighting columns and gantries.

- o Provide, where appropriate, night-time visualisations to show lighting effects on the dark-sky character of the Marsh.

4. **Heritage setting and cumulative heritage effects**

The Marsh contains listed buildings, scheduled monuments and conservation areas whose setting relies on the open, undeveloped character of the grazing marsh and coastal landscape.

The ES must:^{[3][1]}

- o Assess changes to the setting of key heritage assets from both this scheme and other NSIPs, with specific reference to the scale and massing of substation and BESS infrastructure.
- o Consider whether cumulative harm to heritage significance arises from the combined presence of multiple large-scale energy developments and tall structures in views.

5. **Night-time lighting and dark skies**

Romney Marsh currently benefits from relatively dark night skies which contribute to both ecological function and recreational value. The ES must therefore assess: ^[3]

- o Night-time lighting effects from security and operational lighting, including at BESS compounds and substations, in terms of sky-glow, light spill and glare.
- o The degree to which lighting associated with tall infrastructure alters perceived remoteness, tranquillity and the quality of key viewpoints.

6. **Glint, glare and aviation safety**

Given the proximity of Lydd Airport, a glint-and-glare study is essential to ensure aviation safety and to inform Civil Aviation Authority and airport operator consultation. This work should be clearly scoped in and cross-referenced in both LVIA and safety assessments and should consider cumulative effects with other solar schemes.^[1]

Recommendation:

The ES must provide a stronger LVIA and heritage assessment that: explicitly reflects Romney Marsh's recognised landscape character and sensitivity; fully assesses the visual and character implications of BESS units up to 6m high and substations up to 15m high and 60,000m²; considers cumulative landscape transformation from all relevant solar/energy projects; includes robust viewpoint selection, photomontages and night-time visualisations from key receptors including the Coast Path, PRow, settlements, Dungeness and Lydd Airport approaches; assesses effects on heritage settings including cumulative heritage harm; and evaluates night-time lighting and glint-and-glare implications for aviation in consultation with Historic England, local authorities, Lydd Airport and the Civil Aviation Authority.^{[2][1][3]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.ashford.gov.uk/media/y4kjb0f/4-3-nca-123-romney-marshes.pdf>
3. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>
4. <https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda EIA Scoping Report.pdf>

3.4.Agricultural Land and Food Security

Our Concerns:

The Scoping Report acknowledges that the site contains a mix of Grade 1–4 agricultural land and that detailed Agricultural Land Classification (ALC) surveys only began in October 2025, with completion anticipated in January 2026. However, it does not yet provide sufficient assurance on BMV loss, long-term soil degradation risks or food-security implications.^[1]

1. **Best and Most Versatile (BMV) land and incomplete evidence**

Regional mapping indicates the presence of significant areas of Grade 1 and 2 land, but the exact distribution of BMV land on site will only be confirmed once current ALC surveys are complete.

The ES must therefore:^[1]

- o Publish the full ALC survey methodology, including sampling strategy, laboratory analyses and quality assurance.
- o Present definitive, mapped ALC grades and areas, and explicitly quantify any permanent or long-term loss of BMV land.

2. **Wetness, droughtiness and Marsh soil behaviour**

ALC outcomes on the Marsh are highly sensitive to soil wetness and droughtiness classes, which in turn depend on the functioning of artificial drainage and local groundwater and surface-water regimes. The ES must clearly set out:^[2]

- o The assessed wetness and droughtiness classes for each land parcel.
- o How these may be affected by changes to artificial drainage and hydrology arising from the scheme.

3. **Shading, compaction and 60-year operational impacts**

The Scoping Report assumes that the land can be readily restored to agriculture at decommissioning but provides no evidence or examples from comparable long-term solar projects in similarly drained marshland settings. The ES must therefore provide:^[1]

- o Evidence on how 60 years of panel shading, access track compaction, construction traffic and maintenance operations are expected to affect soil structure, organic matter, biology and drainage.
- o Case studies or empirical data showing successful restoration of BMV land under comparable conditions, or else acknowledge and assess the risk that ALC grade may be permanently downgraded.

4. **Food security and policy context**

Conversion of productive BMV agricultural land to solar generation must be justified against national food-security objectives and policy, particularly in the context of increasing import dependence and climate-related risks to global harvests. The ES should therefore assess:^[6]

- o The net change in local and regional food-producing capacity.

- o The significance of BMV loss in the context of planning policy and cumulative losses from other energy and non-energy developments.

5. **Agri-environment schemes and existing public goods**

Any displacement of existing agri-environment schemes that currently deliver biodiversity and landscape benefits must be accounted for as a loss, not simply ignored on the basis that the land is technically “agricultural”. The ES must:^[1]

- o Identify existing schemes and payments.
- o Quantify the value of lost public goods (habitat, landscape, carbon, water quality) and explain how these will be replaced or exceeded by the proposed BNG and mitigation measures.

Recommendation:

The ES must strengthen agricultural land assessment by:

- o Publishing full ALC methodology, mapped outcomes and BMV loss figures.
- o Explaining wetness/droughtiness classes and their interaction with changed drainage regimes.
- o Providing robust, evidence-based analysis of long-term shading and compaction impacts on soil and reversibility.
- o Assessing food-security implications and cumulative BMV loss within policy context.
- o Accounting for displacement of agri-environment schemes and demonstrating how equivalent or better public goods will be delivered.^{[6][2][1]}

3.5.Socioeconomic Impacts

Our Concerns:

The Scoping Report’s socioeconomic baseline (Chapter 16) is thin and does not adequately quantify the tourism, recreation and sense-of-place values associated with Romney Marsh, Dungeness and the Coast Path.^{[7][8][1]}

1. **Tourism and recreation baseline**

Dungeness, the RSPB reserve, Romney Marsh villages and the England Coast Path collectively attract substantial visitor numbers each year, supporting local accommodation, hospitality, guiding and retail businesses. The ES must therefore:^{[8][7]}

- o Use available visitor data (e.g. Dungeness visitor assessments, Romney Marsh Countryside Partnership reports, Coast Path usage statistics) to establish a quantified tourism baseline.
- o Assess how large-scale industrialisation of the Marsh landscape may affect visitor experience, visitation patterns and tourism-dependent employment.

2. **Community character and amenity**

The shift from an open agricultural landscape to a heavily industrialised energy landscape will impact local community character, identity and perceived quality of life, beyond simple economic metrics. The ES must:^[5]

- o Consider qualitative impacts on sense of place, tranquillity and local attachment.
- o Engage with community views through consultation and document the range of concerns.

3. **Public rights of way and access**

Multiple PRoW, including the England Coast Path, crosses or come close to the site. The ES should:^[1]

- o Identify all affected PRoW and bridleways.
- o Assess temporary and permanent impacts on access, route quality and views, including any diversions or mitigation needed.

4. **Agricultural economy**

Loss of productive farmland will have knock-on effects on the local agricultural economy, including farm employment, contractors and agri-supply chains. These effects must be assessed alongside the claimed benefits from construction and operational employment within the solar project.^[1]

5. **Property and local economic value**

Changes in landscape character and amenity may influence local property values and the attractiveness of settlements for residents and businesses. The ES should therefore include professional evidence or at least a reasoned assessment of potential property and investment impacts.^[5]

Recommendation:

The socioeconomic assessment must:

- o Quantify tourism and recreation value using available local data and assess the impact of large-scale industrialisation on these sectors.
- o Address community character and sense-of-place impacts, informed by consultation.
- o Fully assess PRoW and Coast Path impacts and required mitigation.
- o Consider impacts on the wider agricultural economy and local property values as part of a balanced socioeconomic appraisal.^{[7][8][5][1]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
3. <https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda EIA Scoping Report.pdf>
4. <https://www.gov.uk/guidance/appropriate-assessment>
5. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>

6. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>
7. http://www.dungeness-nnr.co.uk/pdf/Shingle_Issue_4.pdf
8. <https://romneymarshhistory.co.uk/tourismbusiness>

4. Cumulative Impact Assessment

4.1. Identified Deficiencies

The Scoping Report's approach to cumulative assessment (Chapter 5.10) is inadequate for a location like Romney Marsh, where hydrology, ecology, landscape and tourism operate at landscape and catchment scales. In particular:^{[1][2]}

- o The applicant proposes to exclude projects where “publicly available data” are limited, and to rely on simple distance or administrative boundaries, rather than hydrological connectivity, ecological linkages or shared landscape character.^[1]
- o In-combination effects under the Habitats Regulations are repeatedly deferred to “future stages”, contrary to the requirement to consider cumulative effects at Appropriate Assessment where significant effects cannot be ruled out at screening.^{[3][1]}

This risks materially underestimating the combined effects of multiple NSIP-scale solar and energy projects on Romney Marsh's drainage system, aquifers, designated sites, landscape character and tourism economy.

4.2. Required Approach

The ES must adopt a more robust, Romney-Marsh-appropriate cumulative methodology which:

- o Defines study areas by functional connectivity (hydrological catchments, ecological networks, landscape character areas, tourism catchments), not just distance or administrative boundaries.^[2]
- o Applies “reasonable worst-case” assumptions (Rochdale Envelope) for other NSIPs where design details are not fixed, instead of screening them out because project information is incomplete.^[4]
- o Integrates cumulative assessment across all relevant topics, including hydrology and drainage, groundwater, biodiversity and FLL, landscape and visual, agriculture, traffic, air quality and socioeconomics, rather than treating each in isolation.^[1]
- o Ensures that in-combination effects for European and Ramsar sites are addressed within the HRA Appropriate Assessment, consistent with Conservation of Habitats and Species Regulations requirements, rather than deferred to later stages.^{[5][3]}

The ES should therefore include comprehensive cumulative impact assessment addressing:

Topic	Cumulative Assessment Requirement
Hydrology and drainage	Aggregate changes in runoff, infiltration and storage across all relevant solar and energy schemes, with implications for Romney Marsh drainage capacity, pumped systems, IDB operations and flood risk.
Groundwater and SPZs	Overlapping effects on aquifer recharge, drawdown and contamination risk where multiple cable routes and foundations intersect SPZs and sensitive aquifer zones.
Biodiversity and FLL	Combined habitat loss, fragmentation, disturbance and displacement for qualifying species of Dungeness, Romney Marsh and Rye Bay SAC/SPA/Ramsar and associated Functionally Linked Land.
Landscape and heritage	Progressive transformation of Romney Marsh from open pastoral/coastal character to an industrial energy landscape, including cumulative harm to heritage settings.
Traffic and air quality	Combined construction and abnormal load traffic from concurrent NSIPs on rural roads, and resultant cumulative dust and emission effects on communities and designated sites.
Agriculture and food security	Cumulative loss and degradation of BMV agricultural land and Marsh food-producing capacity across multiple projects.
Socioeconomics and tourism	Combined effects on visitor experience, tourism-dependent businesses, community character and property values across the Marsh and Dungeness area.

Table 1: Required cumulative assessment scope

4.3. Projects for Cumulative Assessment

The cumulative assessment must include all relevant NSIPs and major energy or infrastructure projects that could interact with the South Brooks Solar Farm within the Romney Marsh hydrological catchment, ecological network and landscape/tourism setting, regardless of data gaps. Where detailed information is not publicly available, the applicant should apply proportionate, reasonable worst-case parameters consistent with Rochdale Envelope practice.^{[2][4][1]}

As a minimum, the project list should include (as applicable at the time of ES preparation):

- o Shepway Energy Park (EN0110017).
- o South Kent Energy Park
- o Stone Street Green Solar (EN010135)
- o Other large solar NSIPs in the wider Romney Marsh and Dungeness area (including consented, in-examination and scoping-stage projects).

- o Operational schemes such as Sycamore Solar and Little Cheyne Court Wind Farm.
- o LPA proposals currently in planning including St Mary in the Marsh Solar Farm and Pond Street Solar Farm and other local solar or battery projects where locations, scales or grid connections overlap functionally with South Brooks.
- o Dungeness nuclear decommissioning works and associated infrastructure changes where they may influence hydrology, traffic, employment or tourism patterns.

The precise list should be agreed with PINS, Natural England, the Environment Agency, the IDB and relevant local planning authorities, and transparently reported in the ES, together with justification for inclusion or exclusion of each scheme.^[1]

Recommendation:

The Scoping Opinion should require a cumulative impact assessment that:

- o Uses functionally defined study areas and does not exclude NSIPs solely on the basis of limited public data.
- o Applies reasonable worst-case design parameters for other projects under the Rochdale Envelope.
- o Explicitly lists all projects considered and the rationale for inclusion/exclusion.
- o Integrates cumulative assessment across all key receptors, including within the HRA for European and Ramsar sites.^{[3][2][1]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
3. <https://www.gov.uk/guidance/appropriate-assessment>
4. https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda_EIA_Scoping_Report.pdf
5. https://www.legislation.gov.uk/ukia/2025/155/pdfs/ukia_20250155_en.pdf

5. Transparency and Public Engagement

5.1. Baseline Data Publication

The scale and sensitivity of South Brooks, and the number of overlapping NSIPs on Romney Marsh, make transparency of baseline data and modelling assumptions essential for effective scrutiny by regulators, communities and independent experts. The Scoping Report confirms that extensive surveys and technical studies are underway (including breeding, wintering and passage bird surveys, UKHab mapping, bat activity, invertebrates, ALC, hydrology and drainage work) but gives no clear commitment that the underlying data will be published in a usable form.^[1]

We request that the Planning Inspectorate requires full publication of all baseline survey data and technical models used to support the ES and HRA, in accessible formats suitable for independent review. This should include, as a minimum:

- o Raw or summarised ecological survey data (breeding, wintering and passage birds; bats; great crested newts; invertebrates; water voles and otter; habitats and condition), including survey dates, methods, effort, weather conditions and observer details, and the full breeding bird survey report with mapped territories for key species such as Tree Sparrow, Skylark, Yellowhammer and Corn Bunting so that hedgerows and field margins of high value can be clearly identified and protected.^[1]
- o Groundwater and surface water monitoring data, including borehole and piezometer locations, construction details, levels and chemistry, plus ditch/watercourse level and quality records.
- o Hydraulic and drainage models (including assumptions, input parameters, sensitivity analyses, and representation of artificial field drainage networks and IDB infrastructure).
- o Air quality and noise models where relevant to designated sites or sensitive receptors.
- o Agricultural Land Classification survey outputs, with soil pit locations, profiles, laboratory analyses, wetness/droughtiness classes and mapped ALC grades.
- o Landscape and visual materials (including viewpoint locations, photomontages, night-time visualisations, camera and rendering specifications) and glint-and-glare analysis where relevant to Lydd Airport.^[1]

Publishing these materials will support informed engagement from Natural England, the Environment Agency, the Internal Drainage Board, local planning authorities, NGOs, community groups and independent specialists.

5.2. Independent Peer Review

Given the technical complexity and high stakes involved in hydrology/flood risk, groundwater protection and Habitats Regulations Assessment on Romney Marsh, independent peer review of key

assessments is warranted. To ensure completeness and quality in line with the EIA Regulations 2017 and PINS

Advice Note Seven, we request that the Scoping Opinion:^{[2][1]}

- o Encourages or requires independent peer review of the Hydrogeological Risk Assessment, Flood Risk and Drainage Assessment (including artificial field drainage mapping and IDB interactions), and HRA/Appropriate Assessment.
- o Specifies that such review should be undertaken by suitably qualified and experienced experts, independent of the applicant, with summaries of peer review findings and applicant responses made publicly available as part of the examination record.^{[3][2]}

This will help identify any gaps or weaknesses in the ES at an early stage and reduce the risk of unresolved technical disputes later in the process.

5.3.Community Consultation

Romney Marsh and Dungeness host communities and visitors with a strong sense of place and longstanding engagement in local environmental and planning issues. Meaningful public participation is therefore critical. We request that the Scoping Opinion expects a consultation process that goes beyond minimum statutory requirements and includes:^{[4][5]}

- o Accessible, locally held public exhibitions (in Lydd, New Romney and other affected communities) with technical specialists available to explain hydrology, drainage, biodiversity/HRA (including FLL), ALC, landscape and tourism issues in plain language.
- o Clear, non-technical summaries of all major technical topics (hydrology, groundwater, biodiversity/ HRA, FLL, ALC, landscape, tourism and socioeconomics) provided online and in hard copy, alongside the full ES documents.
- o Opportunities for community-led input, including local knowledge on drainage behaviour, field drainage infrastructure, wildlife usage (including use of buildings by Barn Owl and Kestrel), tourism patterns and recreational routes, with clear explanation of how such information has been considered.
- o A clear commitment that no further statutory consultation is undertaken on any red line boundary or layout that overlaps functionally with other NSIP-scale solar projects on Romney Marsh, and that the applicant will first work with PINS, other NSIP promoters and local authorities to remove such overlaps and present communities with a coherent, non-overlapping set of proposals.
- o Adequate time periods for consultation commensurate with the volume and complexity of ES material, and active engagement with parish councils, local community groups and landowners.^{[6][1]}

Transparent data, independent technical assurance and high-quality engagement are all essential if the environmental information relied upon for decision-making is to be trusted and relied upon by affected communities and statutory bodies alike.

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>
3. <https://www.gov.uk/government/collections/national-infrastructure-planning-advice-notes>
4. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
5. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>
6. <https://romneymarshhistory.co.uk/tourismbusiness>

6. Specific Recommendations for the Scoping Opinion

We respectfully request that the Planning Inspectorate's Scoping Opinion secure an Environmental Statement and HRA that are complete, proportionate and compliant with the Infrastructure Planning (EIA) Regulations 2017 and PINS Advice Note Seven, tailored to the particular sensitivities of Romney Marsh.^{[1][2][3]}

6.1.Reinstatement of Scoped-Out Topics

1. Air Quality (Chapter 17)

Air quality must be scoped into the ES. The applicant should be required to:

- o Undertake a Construction Dust Assessment and traffic-related emissions assessment in accordance with current IAQM guidance, taking account of sensitive human and ecological receptors and cumulative construction from other NSIPs.
- o Assess operational air quality effects where relevant (including potential BESS thermal events) and their implications for designated habitats and human health.
- o Consider cumulative dust and NOx deposition effects on SAC/SPA/SSSI and Ramsar features, consistent with HRA requirements.^{[3][4]}

2. Land Contamination and Groundwater (Chapter 18)

Land contamination and groundwater impacts must be fully scoped into the ES. The applicant should be required to:

- o Produce a comprehensive Hydrogeological Risk Assessment covering all construction and operational activities, particularly where they intersect Secondary A aquifers and Source Protection Zones.
- o Identify and assess all plausible contaminant sources, pathways and receptors, including legacy agricultural chemicals and any potential radiological pathways.
- o Integrate groundwater impacts with surface-water and drainage assessments, and with HRA for groundwater-dependent ecosystems.^[3]

3. Materials and Waste (Chapter 19)

Materials and waste must be reinstated as a full EIA topic. The ES should be required to:

- o Quantify, as a reasonably worst-case, the tonnage and types of key construction materials (steel, glass, aluminium, cabling, concrete, aggregates etc.).
- o Estimate construction, operational and decommissioning waste arisings, including hazardous waste scenarios associated with BESS and PV panels.
- o Assess associated transport movements and cumulative material demand given the number of NSIPs in the Marsh and demonstrate alignment with waste hierarchy and circular economy principles.^{[5][3]}

6.2.Enhanced Assessment Requirements

We request that the Scoping Opinion secure the following topic-specific enhancements.

1. Hydrogeological Risk and Flood Risk

The ES should be required to provide:

- o A Hydrogeological Risk Assessment including at least 12 months of baseline groundwater monitoring, a robust Conceptual Site Model and quantitative risk assessment for construction and operation, particularly where works intersect Secondary A aquifers and Source Protection Zones. ^[1]
- o A Flood Risk and Drainage Assessment using Romney-Marsh-specific hydraulic modelling, latest climate-change allowances, and a cumulative context, explicitly considering reduced infiltration from compaction and infrastructure and raised baseline water levels. ^{[2][1]}
- o Comprehensive survey, mapping and assessment of subsurface artificial field drainage systems, with explicit protection, diversion or replacement strategies agreed with landowners and the Internal Drainage Board, and post-construction monitoring and financial provisions for restoration or compensation. ^[1]
- o Assessment of impacts on IDB statutory functions, including access, maintenance freeboard and operational water-level control, and clear arrangements for maintenance and access to all drainage infrastructure. ^{[2][1]}
- o Fixing of key hydrology-critical parameters under the Rochdale Envelope (e.g. maximum impermeable area, piling depth ranges, BESS and substation footprints and heights, track specifications) for use as “reasonable worst-case” values in all modelling. ^{[3][1]}

2. Biodiversity and HRA

The ES and HRA should be required to:

- o Undertake and fully report multi-season and, where appropriate, multi-year ecological surveys (particularly for birds, bats, invertebrates, GCN and riparian mammals), with methods, coverage, limitations and data summaries published. ^[1]
- o Publish the full breeding bird survey report, including territory maps, and explicitly value Tree Sparrow (county importance), Skylark (at least local/district importance), Yellowhammer, Corn Bunting and other notable species using recognised geographic importance scales, with these data used to define and protect key hedgerows and field margins. ^[1]
- o Explicitly recognise hedgerows and associated margins as key ecological features where they support important farmland bird assemblages, and demonstrate how layout and management will retain, buffer and enhance these features. ^[1]
- o Align Functionally Linked Land identification with Natural England guidance on functional linkage and favourable conservation status, using agreed thresholds for “regular use” by

qualifying species and drawing on both current and historical data; publish FLL methods, analysis and mapping; and show how all FLL will be avoided, buffered or compensated.^{[4][5][1]}

- o Confirm the survey and assessment approach for NERC Section 41 species known on the peninsula (e.g. Harvest Mouse, Brown Hare, Hedgehog), or provide robust justification for any decision to scope these out, in light of the NERC Act 2006 duty to have regard to biodiversity conservation.^[6]
- o Provide a Detailed Lighting Design with quantitative lux modelling, spectral characteristics and curfew/control measures in line with current guidance (e.g. ILP GN08/23), and secure “dark-corridor” measures to protect bats, migratory birds and designated sites via enforceable DCO requirements.^{[7][8][1]}
- o Assume from the outset that an Appropriate Assessment will be required under the Habitats Regulations and fully address in-combination effects with other NSIPs and plans/projects at the HRA stage, with all relied-upon mitigation secured by enforceable DCO requirements and clearly cross-referenced in the ES.^{[9][10][1]}
- o Ensure that buildings used by protected species (e.g. Barn Owl, Kestrel) are surveyed to current guidance and that any later change introducing demolition or major works triggers updated surveys, assessment and, where needed, licensing and mitigation.^[1]
- o Include in the Outline Landscape and Ecology Management Plan (oLEMP) a clear framework for long-term ecological monitoring and adaptive management, with defined triggers for additional habitat enhancement if monitoring shows shortfalls against predicted outcomes.^[1]

3. Landscape, Visual and Heritage

The ES should be required to:

- o Deliver an LVIA that explicitly recognises Romney Marsh’s distinctive landscape character and assesses the implications of large, tall infrastructure such as BESS units (up to 6m high) and substations (up to 15m high and 60,000m footprint).^{[2][1]}
- o Provide comprehensive viewpoint selection including the King Charles III England Coast Path, key PRoW, Dungeness, local settlements and Lydd Airport approaches, with photomontages and, where relevant, night-time visualisations that depict the full scale and lighting of BESS and substation infrastructure.^{[11][1]}
- o Assess cumulative landscape transformation from all relevant solar and energy NSIPs and the resulting change in character from open pastoral/coastal landscape to industrial energy landscape.
- o Undertake heritage impact assessment in consultation with Historic England and local authorities, including cumulative setting effects, and a glint-and-glare assessment for aviation safety in consultation with Lydd Airport and the Civil Aviation Authority.^{[11][1]}

4. Agricultural Soils and Food Security

The ES should be required to:

- o Publish full ALC survey methodology, mapped ALC outcomes and clear quantification of BMV land loss.^[1]
- o Explain soil wetness and droughtiness classes and their sensitivity to changes in artificial drainage and hydrology on Romney Marsh.^[2]
- o Provide robust, evidence-based analysis of long-term shading and compaction impacts on soil structure, organic matter and fertility over the operational life, with realistic appraisal of restoration prospects at decommissioning and, where possible, evidence from comparable long-term solar schemes.
- o Assess food-security implications and cumulative BMV loss from other NSIPs and developments in the area, in the context of national policy.^{[6][1]}
- o Account for displacement of existing agri-environment schemes and demonstrate how equivalent or better public goods (biodiversity, landscape, carbon, water quality) will be delivered.

5. Socioeconomics and Tourism

The ES should be required to:

- o Strengthen the socioeconomic chapter by quantifying tourism and recreation value using local visitor data for Dungeness, Romney Marsh and the England Coast Path, and assessing how large-scale industrialisation may affect visitor experience, local businesses and employment.^{[12][13][11]}
- o Address community character and sense-of-place impacts, informed by consultation with local communities and parish councils.
- o Fully assess PRow and Coast Path impacts (including visual, noise and access effects) and required mitigation, with particular protection for nationally significant routes.
- o Consider impacts on the wider agricultural economy and on local property values as part of a balanced appraisal, alongside claimed employment and investment benefits.^[1]

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf

2. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>

3. https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda_EIA_Scoping_Report.pdf

4. <https://publications.naturalengland.org.uk/publication/5359972901453824>

5. <https://publications.naturalengland.org.uk/publication/6303434392469504>

6. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>

7. <https://tamlite.co.uk/wp-content/uploads/2023/08/41867-ILP-GN08-FINAL-1.pdf>

8. <https://www.southandvale.gov.uk/app/uploads/2024/09/South-Vale-Lighting-Design-Guidance.pdf>
9. <https://www.gov.uk/guidance/appropriate-assessment>
10. https://www.legislation.gov.uk/ukia/2025/155/pdfs/ukia_20250155_en.pdf
11. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>
12. http://www.dungeness-nnr.co.uk/pdf/Shingle_Issue_4.pdf
13. <https://romneymarshhistory.co.uk/tourismbusiness>

6.3.Cumulative Assessment

The Scoping Opinion should require a robust cumulative effects assessment that:

- o Uses functionally defined study areas (hydrological catchments, ecological networks, landscape character areas and tourism catchments) rather than only distance or administrative boundaries.^{[6][3]}
- o Includes all relevant NSIPs and major energy/infrastructure projects that could interact with South Brooks (including Shepway Energy Park, other solar NSIPs, operational schemes such as Sycamore Solar and Little Cheyne Court Wind Farm, emerging schemes at Stonestreet Green, Springwell, Broomhill/Camber Road, and Dungeness decommissioning works), with transparent justification for inclusion/exclusion.
- o Applies reasonable worst-case parameters for other projects where detailed data are not yet available, in line with Rochdale Envelope practice.^[5]
- o Integrates cumulative assessment across hydrology, groundwater, biodiversity/FLL, landscape/ heritage, agriculture, traffic/air quality and socioeconomics, and ensures that in-combination effects on European and Ramsar sites are addressed within the HRA Appropriate Assessment.^{[4][3]}

6.4.Transparency, Peer Review and Engagement

Finally, the Scoping Opinion should emphasise:

- o **Full publication** of baseline survey data and technical models, including detailed mapping of artificial field drainage systems and FLL, in formats suitable for independent scrutiny.
- o **Independent peer review** of key technical disciplines (especially hydrogeology, flood risk/ drainage, and HRA), with peer review findings and applicant responses made publicly available.^{[1][3]}
- o **Enhanced community consultation**, including local exhibitions, clear non-technical summaries, and mechanisms for incorporating local knowledge on drainage, biodiversity, tourism and access.^{[9][3]}
- o **Mandatory consultation** with landowners, the Internal Drainage Board, Natural England, the Environment Agency and local authorities on those aspects where their statutory functions or expert remit are directly engaged (notably drainage, FLL, designated sites and tourism/heritage assets).^[3]

These measures together will help ensure that the Secretary of State receives an Environmental Statement and HRA that meet the requirements of the EIA Regulations 2017 and PINS Advice Note Seven and properly reflect the exceptional sensitivities of Romney Marsh.^{[2][1]}

1. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally->

significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an

2. <https://www.gov.uk/government/collections/national-infrastructure-planning-advice-notes>
3. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
4. <https://www.gov.uk/guidance/appropriate-assessment>
5. <https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda EIA Scoping Report.pdf>
6. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
7. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>
8. http://www.dungeness-nnr.co.uk/pdf/Shingle_Issue_4.pdf
9. <https://romneymarshhistory.co.uk/tourismbusiness>

7. Conclusion

The South Brooks Solar Farm is proposed in a landscape and hydrological system of exceptional sensitivity, underlain by important aquifers, controlled by a finely balanced engineered drainage network, and adjacent to internationally and nationally designated sites of the highest importance for biodiversity, landscape and heritage. It also occupies productive agricultural land that contributes to food security and sits within a visitor-dependent area centred on Romney Marsh, Dungeness and the King Charles III England Coast Path.

The Scoping Report, as currently drafted, does not provide a sufficiently robust or evidence-based platform for the Environmental Statement and HRA. Attempts to scope out air quality, land contamination and groundwater, and materials and waste are unjustified in this context; the proposed treatment of hydrology, artificial field drainage, biodiversity and Functionally Linked Land, landscape/heritage, agricultural soils and socioeconomics is incomplete; and the cumulative assessment methodology is not adequate for a Marsh-wide pattern of multiple NSIP-scale energy developments. For a nearly identical project in the same landscape type (Shepway Energy Park), the Planning Inspectorate required substantially more detail, tighter Rochdale Envelope parameters, and additional environmental assessments, many of which are absent from the South Brooks Scoping Report; the same level of scrutiny is required here to ensure consistency and compliance.

The specific enhancements requested in this representation are designed to ensure that the Scoping Opinion requires a genuinely comprehensive, Romney-Marsh-appropriate assessment of environmental and community effects, including: rigorous hydrogeological and drainage work (with IDB and artificial drainage fully addressed), stronger biodiversity and HRA requirements (including FLL, lighting and in-combination effects), more demanding agricultural and food-security analysis, a realistic cumulative impact approach, and much greater transparency and peer review. Only on the basis of such an evidence-rich and properly scoped ES and HRA can the Secretary of State, statutory bodies, local authorities and communities reach informed judgements about whether this development can proceed without unacceptable environmental and social harm.

This submission is intended to assist the Secretary of State in ensuring that the Scoping Opinion is fully compliant with the Infrastructure Planning (EIA) Regulations 2017 and PINS Advice Note Seven, and that it secures the level of environmental information required by those instruments – and by recent PINS practice on comparable solar NSIPs – for a proposal of this scale and sensitivity on Romney Marsh.

From: [Newchurch Parish Council Clerk](#)
To: [South Brooks Solar Farm](#)
Cc: [Park, Emily](#)
Subject: Re: EN0110027 - South Brooks Solar Farm - EIA Scoping and Consultation and Regulation 11 Notification
Date: 06 December 2025 17:38:49
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[HOOM Scoping Opinion submission- South Brooks Solar Farm Final 01_12 Final for submission.pdf](#)

Some people who received this message don't often get email from pcclerk@newchurchvillage.org. [Learn why this is important](#)

Further to your below email please find attached our response, in addition to the following additional points to be considered with regard to the ES:

- Chapter 2: We have a huge concern regards the damage to land underlying the highways. The local Internal Drainage board does not own the land, so is not responsible, nor the Environment Agency so who will be responsible for repairing any damage? For example bank slip, or damage to the crossing over watercourses (possible collapse)? Both of which can lead to increased flood risk. There has been a general degradation of the highways and overpasses over the last few decades already, with what used to be 10-12 tonne grain haulers not being full HGV and roads not designed for this type of vehicular traffic in addition to the increased speed of tractors on the road.
- Problems exists with normal traffic loads, without the additional burden of hundreds of lorries per day for an extended period of time. Impacting the free flow of traffic from the Romney Marsh to work, education and hospital services in Ashford (our nearest A & E hospital).
- The local Internal Drainage board are at capacity without the additional burden of three DCO/NSIP processes.
- Note in 2.2 reference to aquifer – potable water is at Denge.
- HGV/traffic 2.3 road network, bridges, bank slips to be factored in.
- 3.1 para 2 – IDB is concerned about potential net loss of water in the system depending on how much rain water is harvested (impact on ground water and aquatic habitats)
- 3.1 para 6 Jurys Gap and Denge are Environmental Agency controlled main rivers not managed by the Internal Drainage Board
- All water courses managed by the Internal Drainage Board (outside of the main river course which are managed by the Environmental Agency) – if they do not maintain their sections or they are damaged this in turn impacts the Internal Drainage board.
- How are Natural England incorporated into the consultation process?

We look forward to hearing further from you about this matter.

Alison Prentice

Clerk & RFO

Newchurch Parish Council

email: [REDACTED]

web: www.newchurchvillage.org

From: Newchurch Parish Council Clerk

Sent: Monday, November 17, 2025 6:30 PM

To: Colin Woollard ; Michelle Barden ; Scott Fielding

Subject: Fw: EN0110027 - South Brooks Solar Farm - EIA Scoping and Consultation and Regulation 11 Notification

Requires response by 9 December 2025 (after the next PC meeting)

Clerk & RFO

Newchurch Parish Council

email: [REDACTED]

web: www.newchurchvillage.org



Scoping Opinion: Community Representation

Re: South Brooks Solar Farm (EN0110027)

Environmental Impact Assessment Scoping Report - November 2025

Submitted to relevant local council departments on behalf of Hands Off Our Marsh CIC

(email: [REDACTED])

This representation is for the attention of the Planning Inspectorate. We request that this community input on environmental issues is appended to the responses of council bodies to PINS as part of the early stage NSIP pre-application process.

Date: 1st December 2025

Summary Table: Requested Scoping Changes by Topic Area

Topic Area	SR/ES Chapter(s)	Requested Change	Why This Matters in Romney Marsh
Air Quality	17	Scope in, full baseline + construction/dust/nitrogen/BESS. Quote: “unlikely to result in significant effects”	Proximity to SAC/ SPA/SSSI, sensitive to dust, rural receptors
Land/Groundwater	18	Scope-in; baseline monitoring, full CSM; SPZ protection. Quote: “impacts are not significant and can be scoped out”	Critical public aquifer, SPZs crossed, GWDTEs, saline intrusion risk
Materials/Waste	19	Quantify: tonnage for steel/concrete/glass/ cabling, waste/BESS hazardous; detail on lifecycle.	Flood risk, large volumes, hazardous substances in BESS
Hydrology/Drainage	7	Model field drains, IDB access, ditch connectivity; address “Rochdale Envelope” limits.	Area relies on piped underdrainage, IDB statutory access/ flood management
BMV Land	8	Publish ALC methods and results, clarify compaction/shading impact, reversibility, soil wetness class	Food security, Marsh is productive and difficult to restore
Biodiversity/HRA	6	Publish all bird/bat survey data; confirm scope/method for FLL + HRA, lighting design; incombination HRA	SPA/SSSI dependency, farmland bird declines, bats, FLL ambiguity
Cumulative Impacts	5	List ALL local NSIPs for cumulative; can’t exclude for lack of data	High density of projects, “death by a thousand cuts” risk
Socioeconomics/ Tourism	16	Add tourism volume data; socioeconomic/tourist impact on jobs, Coast Path	International destination, major local employer/ economic pillar

Table 1: Summary of Requested Scoping Changes and Marsh-Specific Context

Executive Summary

This representation is submitted in response to the Environmental Impact Assessment (EIA) Scoping Report for the South Brooks Solar Farm project (Planning Inspectorate Reference EN0110027). It identifies serious deficiencies in the proposed scope of assessment, including inappropriate attempts to scope out key environmental topics, inadequate treatment of Romney Marsh's highly sensitive hydrology, biodiversity, agricultural soils and tourism economy, and an incomplete approach to cumulative impacts with other Nationally Significant Infrastructure Projects (NSIPs) in the area. For a comparable solar NSIP in the same wider landscape context – Shepway Energy Park – the Planning Inspectorate required substantially more detailed information and tighter Rochdale Envelope parameters (including detailed BESS specification and safety assessment, fixed maximum infrastructure heights and footprints, pre-application ALC, drainage stand-offs, HDD breakout and cable-thermal assessments, and explicit BESS fire analysis) than are currently provided for South Brooks, and a similar level of scrutiny is therefore warranted here to ensure consistency and compliance.^{[1][2][3]}

The submission is structured to assist the Secretary of State and the Planning Inspectorate in mapping concerns directly to specific Scoping Report chapters and ensuring compliance with the Infrastructure Planning (EIA) Regulations 2017 and PINS Advice Note Seven on EIA scoping. It highlights, with cross-references, where the applicant's own text and conclusions in Chapters 17 (Air Quality), 18 (Land and Groundwater) and 19 (Materials and Waste) do not provide a robust, evidence-based justification for scoping matters out of the EIA, given the presence of Source Protection Zones, extensive engineered drainage, internationally designated habitats and a heavily tourism-dependent local economy.^{[2][4][5][1]}

In particular, the representation asks that the Scoping Opinion:

- o Requires air quality, land contamination/groundwater, and materials and waste to be fully scoped into the ES, with quantified “reasonable worst-case” assumptions in line with Rochdale Envelope practice, and with additional detail on BESS technology (battery chemistry, container numbers and configuration) and BESS fire/explosion and fire-water run-off risks as PINS has required for other large solar NSIPs.^{[3][6]}
- o Strengthens hydrology and flood-risk requirements to include explicit assessment of Internal Drainage Board (IDB) access and freeboard obligations, the extensive subsurface field drainage network, climate-change allowances, watercourse and ditch crossing inventories, HDD breakout risk, drainage stand-offs from watercourses, and thermal effects from buried high-voltage cables on groundwater and ditch ecology, using the most up-to-date Environment Agency flood and coastal datasets.^{[1][2][3]}
- o Tightens biodiversity and Habitats Regulations Assessment (HRA) expectations, including multi-season bird surveys, transparent publication of breeding and non-breeding bird data, clear Natural England-agreed methodology for Functionally Linked Land (FLL) aligned with favourable conservation status concepts, detailed quantitative lighting design

in line with current bat and lighting guidance, and an HRA approach that fully addresses in-combination effects at Appropriate Assessment stage.^{[7][8][9][2]}

- o Requires a more rigorous assessment of agricultural land (including publication of ALC survey methods, completion of pre-application ALC across all land needed for panels, BESS/substations, cables and haul routes, soil wetness/droughtiness classes and long-term shading/compaction effects, and full BMV area-by-grade tabulation and justification), landscape and visual change (including ZTVs and LVIA based on the tallest infrastructure and Residential Visual Amenity Assessment where indicated), noise, vibration and human health (including decommissioning), socio-economic and tourism impacts (using local visitor data for Dungeness and Romney Marsh), transport (including Abnormal Indivisible Loads and PRoW user evidence), and cumulative effects across all relevant NSIPs and large energy projects in the Marsh.^{[5][2][3][1]}

This submission is expressly intended to assist the Secretary of State in ensuring that the Scoping Opinion secures an Environmental Statement that is complete, proportionate and compliant with the EIA Regulations 2017 and PINS Advice Note Seven, reflects recent PINS practice on comparable solar NSIPs, and properly reflects the exceptional environmental and community sensitivities of Romney Marsh.^{[4][3]}

Introduction and Context

1.1 The Strategic Importance of Romney Marsh

Romney Marsh represents a landscape of exceptional environmental, agricultural, and cultural value, combining internationally important wetland and coastal habitats with some of the most productive agricultural land in England. The area is characterized by:^[1]

- o Critical groundwater resources and engineered drainage systems that protect low-lying communities and farmland from flooding and saline intrusion.^[1]
- o Internationally and nationally designated sites for biodiversity (SAC, SPA, SSSI, Ramsar) that support rare plants, invertebrates, breeding and wintering birds, and intricate ditch and grazing-marsh assemblages.^{[2][1]}
- o Predominantly Grade 1 and 2 “best and most versatile” agricultural land, making a disproportionate contribution to national food security at a time when the UK already imports a large share of its food.^[1]
- o A flat, open and highly distinctive landscape, valued for long views, dark skies, heritage features and quiet recreation, which underpins a local economy significantly reliant on tourism and outdoor amenity, including visits to Dungeness, the wider Romney Marsh, and the England Coast Path.^{[10][5]}

These characteristics mean that even ostensibly “temporary” changes in land use, drainage or infrastructure can have long-lasting consequences for flood risk, groundwater quality, biodiversity, landscape character and the viability of the local agricultural and tourism economies. The Scoping

Report also notes that the Site boundary is “partially located within” the Dungeness, Romney Marsh and Rye Bay SSSI despite no clear development currently proposed within that SSSI area. In this context, it is essential that the ecological mitigation hierarchy (avoid–minimise–restore–offset) is demonstrably applied from the outset, with a clear presumption against development within SSSI land and full transparency over any subsequent design changes that reduce or remove SSSI overlap, so such changes are properly recognised as basic avoidance in line with good practice rather than retrospectively presented as environmental gain.^{[8][11][2][1]}

1.2 Cumulative Development Pressures

Romney Marsh is currently subject to multiple NSIP-scale solar and other energy developments, creating unprecedented cumulative pressures on this sensitive landscape and hydrological system. The Scoping Report acknowledges this context only in high-level terms and does not fully address how this project will interact with other consented and proposed schemes in terms of:^{[2][1]}

- o Hydrological connectivity, groundwater resources and the engineered drainage network (including Internal Drainage Board infrastructure and extensive subsurface field drains).
- o Habitat fragmentation, displacement of species, and loss or degradation of Functionally Linked Land (FLL) supporting qualifying SPA/Ramsar bird populations.^{[8][2]}
- o Flood risk, drainage capacity and maintenance access for the IDB and Environment Agency.
- o Traffic and construction impacts on rural road networks and local communities, including Abnormal Indivisible Loads and construction compounds.^[3]
- o Landscape character, visual amenity and the setting of heritage assets across the Marsh and Dungeness, particularly given the proposed tall substation and BESS infrastructure.^{[12][10]}
- o Socioeconomic effects on tourism, recreation, agriculture and local businesses in a landscape where heritage- and nature-based tourism are key economic drivers.^{[11][5]}

For Shepway Energy Park, a solar NSIP of similar type and strategic context, the Planning Inspectorate required a materially more stringent approach to cumulative assessment, including a clearly justified Rochdale Envelope with fixed maximum parameters for all major infrastructure, detailed project lists and functionally defined study areas, full pre-application ALC, explicit BESS fire and HDD breakout assessment, cable-thermal analysis, and topic-specific cumulative methodologies. Given the similarity in technology, scale and setting, a comparable level of scrutiny and information is needed for South Brooks to ensure consistent decision-making, robust cumulative assessment and compliance with the EIA Regulations and PINS Advice Note Seven.^{[4][3]}

1. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
2. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
3. <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110017-000003-EN0110017-Shepway-Energy-Park-Scoping-Opinion-2017-EIA-Regs.pdf>

4. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>
5. <https://romneymarshhistory.co.uk/tourismbusiness>
6. <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010133-000444-C7.9 Outline Battery Storage Safety Management Plan.pdf>
7. <https://www.gov.uk/guidance/appropriate-assessment>
8. <https://publications.naturalengland.org.uk/publication/5359972901453824>
9. <https://tamlite.co.uk/wp-content/uploads/2023/08/41867-ILP-GN08-FINAL-1.pdf>
10. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>
11. https://rdcpublish.blob.core.windows.net/website-uploads/2020/01/SUPPORTING_DOCUMENT_4_Visitor_Assessment.pdf
12. <https://www.folkestone-hythe.gov.uk/planning/romney-marsh-solar-farm-planning-applications/4>

2. Challenge to Inappropriately Scoped-Out Topics

2.1 Air Quality (Chapter 17)

Applicant's Position:

The Scoping Report states that air quality effects are “unlikely to result in significant effects” and therefore can be scoped out of further assessment in the Environmental Statement, on the basis of the rural location and limited anticipated emissions during construction and operation.^[1]

Our Concerns:

Air quality must not be scoped out. The justification in Chapter 17 relies on general statements about low emissions rather than a quantified, Romney Marsh-specific assessment:^[1]

- o **Construction Phase Impacts and Sensitive Receptors:**

No robust evidence is provided for the volume, duration, routing or timing of Heavy Goods Vehicle (HGV) and construction traffic movements. On narrow rural roads serving scattered settlements, designated sites and tourism assets, such movements have clear potential to generate dust and NO_x, including along access routes as well as within the site. The site lies within close proximity of highly sensitive ecological receptors, including SAC/SPA/SSSI/Ramsar features that are vulnerable to both construction dust and nitrogen deposition. Without a quantified Construction Dust Assessment and dispersion assessment, it is not credible to assert that effects are “unlikely to be significant”.^{[2][3][1]}

- o **Proximity to Designated Sites and Nitrogen Deposition:**

The internationally important Dungeness, Romney Marsh and Rye Bay designations include species and habitats known to be sensitive to air pollution, including lichens and bryophytes. Any additional nitrogen or dust loading – especially when added to the baseline and in-combination with other energy projects – must be explicitly assessed, not assumed negligible.^{[4][5]}

- o **Cumulative Effects and Other Projects:**

Multiple large solar and energy schemes are proposed or operational across Romney Marsh. Construction phases could overlap, leading to concurrent HGV movements and dust/emission peaks on shared access roads and near shared receptors. A project-only view risks underestimating these effects.^{[6][2]}

- o **Battery Energy Storage System (BESS) Incident Scenarios:**

The Scoping Report does not address air quality implications of potential thermal runaway or fire events in BESS containers (e.g. smoke, toxic gases). Even if low-probability, such scenarios must be assessed for both human and ecological receptors, including worst-case meteorological conditions and fire-water run-off effects, in line with PINS expectations for similar NSIPs.^{[7][6]}

Why This Matters in Romney Marsh:

Romney Marsh hosts internationally designated habitats and a tourism-dependent community whose attractiveness relies heavily on environmental quality and tranquillity; even temporary or localised air quality deterioration can have disproportionate ecological and perceptual impacts in such a setting.^{[8][4]}

Recommendation:

Air quality must be scoped into the ES and include:

- o A quantified Construction Dust Assessment and traffic-related emissions assessment, using reasonable worst-case HGV and construction traffic scenarios, aligned with current IAQM guidance.^[2]
- o Assessment of nitrogen deposition and dust impacts on nearby SAC/SPA/SSSI/Ramsar features and Functionally Linked Land.
- o Cumulative assessment of construction and operational emissions with other major energy and infrastructure projects in and around Romney Marsh.
- o Explicit consideration of BESS thermal incident scenarios and resulting air quality and health risks, including smoke and toxic gas dispersion and fire-water run-off to ditches and drains.^{[6][7]}

2.2 Land Contamination and Groundwater (Chapter 18)

Applicant's Position:

Chapter 18 concludes that potential impacts on land quality and groundwater are “not significant” and can largely be scoped out on the basis that standard surface-water and groundwater protection measures will be employed and that potential effects on geological SSSI features are limited.^[1]

Our Concerns:

Given the presence of Secondary A aquifers, Source Protection Zones and groundwater-dependent ecosystems beneath and around the site, the decision to scope out land contamination and groundwater is fundamentally inappropriate:^{[4][1]}

- o Source Protection Zones and Aquifer Sensitivity:
The cable routes and development parcels intersect multiple Source Protection Zones protecting public and private water supplies. Any intrusive works (piling, trenching, dewatering) within SPZs can introduce or mobilise contaminants and alter flow paths. A generic commitment to “good practice” is no substitute for a full Hydrogeological Risk Assessment.^{[9][1]}
- o Lack of Baseline Monitoring and Conceptual Site Model (CSM):
There is no evidence of a robust baseline groundwater monitoring programme across seasons, nor of a conceptual site model that identifies sources, pathways and receptors (including SPZ abstractions, private boreholes, ditches and groundwater-dependent

terrestrial ecosystems). Without these, it is impossible to conclude that effects are “not significant”.^[9]

- o Construction-Phase Contamination Pathways:

Trenching and piling may create preferential pathways; fuel, oil, concrete and chemical use introduce spill risks; dewatering (if required) can mobilise existing contaminants and alter groundwater levels; earthworks in wet conditions can drive sediment and pollutant movement towards drains and ditches. All these pathways must be identified and assessed quantitatively.^[1]

- o Legacy and Radiological Contamination:

The long agricultural history of the site points to potential residues of pesticides, herbicides, fertilisers and fuel. In addition, the strategic context of Dungeness nuclear facilities underscores the need to rule out radiological or other legacy contamination risks along cable routes and within drainage catchments.^{[10][1]}

- o Saline Intrusion and Climate Change:

The coastal location and low-lying nature of Romney Marsh make the freshwater–saltwater balance particularly sensitive. Earthworks, drainage changes and climate-driven sea-level rise could interact to alter saline intrusion risk into freshwater aquifers and drainage ditches, with knock-on effects for water supply and ecosystems.^{[11][4]}

- o Groundwater-Dependent Ecosystems (GWDTEs) and Ditch Networks:

Wetland habitats and ditch systems associated with designated sites rely on specific groundwater and surface-water regimes. Even modest changes in water level, chemistry or flow patterns can cause ecological degradation, which must be considered both in EIA and HRA.^{[3][12]}

Why This Matters in Romney Marsh:

The Marsh’s aquifer and engineered drainage system underpin drinking-water supplies, agriculture, flood defence and wetland ecology. Any failure to characterise and protect groundwater properly risks irreversible harm to these inter-linked functions.^[4]

Recommendation:

Land contamination and groundwater must be fully scoped into the ES, supported by a comprehensive Hydrogeological Risk Assessment that includes:

- o At least 12 months of baseline groundwater monitoring (levels, flow directions and chemistry).
- o A detailed conceptual site model covering all relevant sources, pathways and receptors (including SPZs, abstractions, ditches and GWDTEs).
- o Quantitative risk assessment of all construction and operational activities (including piling, trenching, dewatering, spills and BESS compounds).

- o Assessment of saline intrusion risk under climate-change scenarios.
- o Phase 1 and, where indicated, Phase 2 site investigations with appropriate chemical and geotechnical testing.
- o A clear mitigation and monitoring strategy, showing how risks will be avoided, reduced, managed and, where necessary, remediated.^{[13][9]}

2.3 Materials and Waste (Chapter 19)

Applicant's Position:

The Scoping Report proposes to scope out materials and waste on the basis that impacts are largely controlled through existing permitting regimes and regulatory controls at off-site manufacturing and waste-management facilities.^[1]

Our Concerns:

Materials and waste cannot be scoped out for a scheme of this unprecedented scale on Romney Marsh:^{[14][1]}

- **Scale and Quantification of Materials Demand:**

A development of this size will require very substantial quantities of steel, aluminium, glass, cabling, concrete, aggregates and battery units. Without quantified “reasonable worst-case” estimates for key materials, it is impossible to assess impacts on supply chains, embodied carbon, transport and local road networks.^[6]

- **Transport Movements and Local Roads:**

Construction and decommissioning will involve high volumes of HGV movements delivering materials and removing waste, on a rural road network already under pressure from other large projects. These movements have direct implications for air quality, noise, road safety and disturbance, and must be assessed cumulatively rather than dismissed as a matter for generic “good practice”.^{[14][2]}

- **Hazardous and Difficult Wastes (Including BESS):**

The project will generate or handle hazardous wastes, including:

- o BESS components and electrolyte materials.
- o Photovoltaic modules containing metals and other substances of concern.
- o Potentially SF₆-containing switchgear.
- o Contaminated soils and sludges where excavation intersects existing pollution.

The Scoping Report provides no scenario-based assessment of how such wastes will be stored, transported, treated or disposed of under normal operation or failure scenarios, despite PINS requiring BESS waste and firewater impacts to be addressed for similar schemes.^{[7][6]}

- **Decommissioning and Long-Term Legacy:**

Over a proposed multi-decade operational life, large quantities of solar panels, structures, cabling and BESS units will eventually reach end-of-life. Without a clear decommissioning strategy, there is a risk of stranded assets, unmanaged waste streams and residual contamination, particularly in flood-prone and groundwater-sensitive land.^{[6][1]}

- **Cumulative Materials and Waste Across NSIPs:**

With several mega-solar and battery schemes proposed across Romney Marsh and Kent, the combined demand for materials and the cumulative burden on regional waste-management capacity are likely to be significant. These must be addressed explicitly in the EIA, not assumed negligible.^{[14][6]}

Why This Matters in Romney Marsh:

The Marsh's constrained road network, flood-prone land and sensitive aquifer/drainage system mean that large volumes of materials and waste carry disproportionate risk during both delivery and removal phases, especially when combined with other major schemes.^{[4][14]}

Recommendation:

Materials and waste must be fully scoped into the ES, including:

- o Quantified, reasonable worst-case estimates of key construction and decommissioning materials (steel, glass, aluminium, cabling, concrete, aggregates, BESS units).
- o Forecasts of HGV and other construction/decommissioning traffic movements linked to material and waste flows, assessed for both standalone and cumulative effects.
- o Identification and assessment of all hazardous and difficult wastes, including BESS failure scenarios and contaminated soil management, with clear storage, handling and disposal routes.
- o A high-level but credible decommissioning and waste-management strategy, showing how materials will be recovered, recycled or disposed of, and how pollution risks will be controlled on flood- and groundwater-sensitive land.
- o Consideration of circular-economy and waste-hierarchy principles, demonstrating how the project will minimise primary resource use and maximise recovery.^{[13][6]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-on-cumulative-effectsassessment>
3. <https://www.gov.uk/guidance/appropriate-assessment>
4. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
5. https://rdcpbublic.blob.core.windows.net/website-uploads/2020/01/SUPPORTING_DOCUMENT_4_Visitor_Assessment.pdf
6. https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110017-000003-EN0110017_Shepway_Energy_Park_Scoping_Opinion_2017_EIA_Regs.pdf
7. https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010133-000444-C7.9_Outline_Battery_Storage_Safety_Management_Plan.pdf
8. <https://romneymarshhistory.co.uk/tourismbusiness>

9. https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010135-000574-SSG_5.4A_ES_Vol_4_Appx_10.3_WFD_Assessment.pdf
10. https://rdcpublic.blob.core.windows.net/website-uploads/2020/01/SUPPORTING_DOCUMENT_1_Nature_Conservation_reduced.pdf
11. https://www.southernwater.co.uk/media/nzjbtjg/annex_18_sea_report-1.pdf
12. <https://www.doverdistrictlocalplan.co.uk/uploads/pdfs/habitat-regulation-assessment-of-the-draft-localplan-2020.pdf>
13. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>
14. https://democracy.kent.gov.uk/documents/g9748/Public_reports_pack_09th-Sep-2025_10.00_Environment_Transport_Cabinet_Committee.pdf?T=10

3. Inadequacy of Scoped-In Assessments

3.1. Hydrology, Flood Risk, and Drainage

Our Concerns:

While flood risk is scoped into the assessment (Scoping Report Chapter 7), the proposed approach is incomplete and underplays the particular sensitivities of the Romney Marsh drainage system, aquifer, and field-scale hydrology.^{[1][2]}

1. **Romney Marsh Drainage System Sensitivity and IDB Duties:** Romney Marsh relies on an engineered network of drains, ditches, sewers and pumping infrastructure managed by the Environment Agency and the Internal Drainage Board (IDB). Even modest changes to surface water runoff, infiltration, or connectivity could have significant downstream consequences for flood risk, agricultural land drainage and ditch ecology. The Scoping Report does not identify, or propose to assess, the IDB's statutory requirements for maintaining access to ditches and structures for inspection, maintenance and dredging, or maintaining operational freeboard and water-level management across the catchment. The ES must explicitly assess how construction and operation will maintain IDB access to all relevant ditches, banks and structures, and how freeboard and operational levels will be protected under both current and future climate scenarios.
^{[2][1]}
2. **Flood Zones, Runoff and Storage:** The majority of the proposed development is within Flood Zones 2 and 3, with tidal influences and local areas of surface-water risk highlighted in the Scoping Report. Large-scale solar infrastructure, access tracks, compounds and substations (including BESS units up to 6m high and substations up to 15m high on reinforced concrete bases up to 2m deep) risk: increasing surface-water runoff rates and volumes; reducing infiltration capacity through soil compaction; displacing existing flood storage and altering overland flow paths; and constraining access to ditches and culverts during flood events. These effects must be quantified using Romney-Marsh-appropriate hydraulic modelling and not left at a qualitative level.
^{[1][2]}
3. **Artificial Field Drainage Systems – Critical Omission:** The Scoping Report recognises the surface ditch network but fails to acknowledge or assess the extensive subsurface artificial drainage pipe systems that underlie the agricultural fields proposed for development. Romney Marsh farmland is heavily dependent on underdrainage networks of perforated pipes that transfer excess water from the soil profile into the ditch system, preventing waterlogging, maintaining soil structure and enabling food-producing agriculture. Construction and operation pose severe risks to these systems through pipe severance or crushing during piling and trenching, soil compaction by heavy plant, sediment ingress and blockage, and alteration of gradients and outfalls. Damage or loss of artificial drainage would likely result in persistent waterlogging and loss of agricultural productivity, increased runoff burdening ditches and raising flood risk, soil structural degradation, knock-on ecological effects on margins and hedgerows, and potential changes to groundwater recharge. The ES must therefore include comprehensive survey and mapping of all artificial

drainage infrastructure across the development site (depth, alignment, materials, condition and connectivity), assessment of construction methodologies and plant access routes in relation to drainage integrity, design of protection/diversion/replacement strategies agreed with landowners and the IDB, post-construction monitoring, and clear financial provisions for restoration or compensation.^[1]

4. **Rochdale Envelope and Hydrological Uncertainty:** The Scoping Report relies heavily on Rochdale Envelope principles, presenting wide parameter ranges for key design elements such as piling depth, ground cover ratio, access-track widths, impermeable area percentages, and, critically, BESS and substation dimensions (BESS units up to 6m high; substations up to 60,000m² footprint and 15m high, with 2m-deep concrete foundations). Hydrological and flood-risk effects cannot be robustly assessed while these parameters remain open-ended. The Scoping Opinion should therefore require that a set of hydrology-critical design parameters (including maximum impermeable area, typical and maximum pile depths, maximum BESS and substation footprints and heights, track specifications and compound areas) is fixed and adopted as a “reasonable worst-case” for all flood and drainage modelling, and that any subsequent design change that would materially increase flood or drainage impacts is explicitly re-assessed and reported.^{[3][1]}
5. **Climate Change Scenarios:** Given the effective design life and decommissioning horizon of the project, the Flood Risk Assessment must apply the latest relevant climate-change allowances for peak rainfall, sea-level rise and fluvial/tidal interaction across the 60–100-year timescale, and consider combinations of higher rainfall, reduced infiltration (from compaction and infrastructure), and raised baseline water levels in the Marsh drainage system.^{[2][1]}
6. **Watercourse Crossings and Ditch Morphology:** Cable routes and access tracks will cross multiple named watercourses and IDB drains, including Jurys Gut Sewer, Dengemarsh Sewer and associated ditches. The ES must specify and assess crossing methods (trenched, HDD, culverts, bridges), potential impacts on channel morphology, conveyance capacity and bank stability, implications for aquatic habitats and riparian vegetation, and IDB and Environment Agency access and maintenance implications.^[1]
7. **Cumulative Drainage Impacts:** The Scoping Report gives only high-level treatment to cumulative effects, yet Romney Marsh is already subject to multiple large-scale solar and energy projects whose combined effect on drainage capacity, groundwater recharge and pumped systems may be substantial. The ES must evaluate the aggregate reduction in infiltration and increase in runoff from all relevant NSIPs and significant energy schemes in the Marsh, and the cumulative implications for IDB operations, pumping demand, ditch maintenance and residual flood risk to settlements and agriculture.^{[2][1]}

Recommendation:

The ES must provide a Romney-Marsh-specific hydrology and flood-risk assessment that includes: fixed “reasonable worst-case” design parameters for all hydrology-relevant infrastructure under the

Rochdale Envelope; detailed hydraulic modelling and a Surface Water Drainage Strategy incorporating SuDS calibrated for Marsh conditions; full survey and assessment of subsurface artificial field drainage networks, with clear protection, diversion and/or replacement commitments; assessment of impacts on IDB infrastructure, operational freeboard and statutory access requirements, informed by direct consultation with the IDB and Environment Agency; climate-change sensitivity analysis to at least 2100; assessment of all watercourse and ditch crossings on morphology, capacity and ecology; and cumulative hydrological and drainage impact assessment across all relevant NSIPs and major energy schemes in the Romney Marsh catchment.^{[2][1]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
3. [https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda EIA Scoping Report.pdf](https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda_EIA_Scoping_Report.pdf)

3.2. Biodiversity and Habitats Regulations Assessment

Our Concerns:

While biodiversity is scoped in, the current approach to baseline surveys, valuation and Habitats Regulations Assessment (HRA) remains incomplete and lacks the transparency and specificity required for such a sensitive location close to internationally designated sites and Functionally Linked Land (FLL).^{[1][2]}

1. **Survey Effort, Seasonality, and Transparency:** The Scoping Report states that breeding, wintering and passage bird surveys, habitat mapping and a range of species-specific surveys are underway or completed but does not commit to publish the underlying survey reports or to clearly explain how these data will be used to define and protect key ecological features. Given the presence of Schedule 1 birds, Schedule 5 invertebrates, water voles, great crested newts, rare plants and notable farmland birds, multi-season, multi-year data must be fully reported within the ES, including methods, coverage, limitations and raw data summaries. In particular, the completed breeding bird survey and territory mapping exercise must be published in full, with mapped territories for key species (including Tree Sparrow, Skylark, Yellowhammer and Corn Bunting) to inform avoidance and buffering of hedgerows and field margins. Given reference to the NERC Act 2006, the ES should also confirm the survey and assessment approach for NERC Section 41 species known on the peninsula such as Harvest Mouse, Brown Hare and Hedgehog, or provide robust justification for any decision to scope these out.^{[3][1]}
2. **Hedgerows, Farmland Birds, and Habitat Valuation:** Many hedgerows are described in the Scoping Report as “defunct” or “species poor”, yet breeding bird work and local ecological evidence identify their use by Tree Sparrow (of at least county importance) and declining farmland birds such as Yellowhammer and Corn Bunting. Treating these linear features as low ecological value is inconsistent with their demonstrated role as nesting and foraging habitat, and the use of broad statements about “low” breeding bird density is misleading if it fails to reflect the geographic importance of specific species (e.g. Tree Sparrow at county level, Skylark at least local/district level). The ES must therefore: (a) treat hedgerows and associated field margins as key ecological features in both EclA and HRA; (b) explicitly value farmland bird assemblages using recognised geographic importance scales; and (c) show how the design will retain, buffer and enhance these hedgerows, including where they form flightlines or foraging routes between designated sites/FLL and the wider countryside.^[1]
3. **Functional Habitat Connectivity and Functionally Linked Land (FLL):** Non-breeding bird surveys are said to be identifying land within the site that is “frequently utilised” by SPA and Ramsar notified features so as to identify FLL. However, no definition of “frequently utilised” is given, and there is no published methodology, mapping or threshold for classifying land as FLL. The term “frequently” can be interpreted very differently, and must be grounded in objective, evidence-based criteria. The ES and HRA must therefore: (a) use a definition and criteria for FLL aligned with Natural England’s guidance on functional linkage and favourable conservation status, agreed with Natural England in advance, and drawing on both current survey and historical data;

(b) publish the FLL survey methods, spatial coverage and analysis; (c) map all areas of FLL and show how they will be avoided, buffered or compensated through design and mitigation; and (d) explicitly assess effects on qualifying species in terms of maintaining or restoring populations at favourable conservation status.^{[4][5][1]}

4. **Indirect Hydrological Impacts on Biodiversity:** Changes in groundwater levels, surface water quality, ditch water levels and artificial drainage performance could indirectly affect ditch communities, wet grassland and other wetland habitats within and beyond the site boundary, including in designated sites and FLL. These pathways must be clearly modelled and then integrated into both EclA and HRA, rather than treated purely as hydrology/flood-risk issues, with explicit assessment of how altered hydrology may affect qualifying features and other sensitive ecological receptors.^{[6][1]}
5. **Artificial Light Impacts and Detailed Lighting Design:** The Scoping Report mentions potential lighting effects but does not commit to a quantitative Detailed Lighting Design. For both birds and bats, this is inadequate so close to internationally important wetland sites and key flight corridors. The ES must therefore provide: (a) a Detailed Lighting Design with lux contour plots at agreed distances, spectral characteristics, hours of operation and control regimes, following current good practice (e.g. ILP GN08/23 on bats and artificial lighting); (b) assessment of lighting impacts on nocturnal and crepuscular species (including bats) and on migratory and breeding birds, including barrier and attraction effects; and (c) secured commitments to maintain dark corridors and minimise light spill towards designated sites, FLL and key hedgerow/linear features, with these measures embedded and enforceable via DCO requirements.^{[7][8][1]}
6. **Habitats Regulations Assessment – Approach and In-Combination Effects:** Given the clearly foreseeable potential for significant effects on European and Ramsar sites, Appropriate Assessment under the Habitats Regulations will be required. The Scoping Opinion should therefore: (a) assume from the outset that an Appropriate Assessment is necessary; (b) require that in-combination effects with other NSIPs and relevant plans/projects are assessed at the HRA stage, not deferred; and (c) ensure that mitigation measures relied on in HRA are secured through enforceable DCO requirements and clearly cross-referenced in the ES.^{[2][9][1]}
7. **Use of Buildings by Protected Species:** The Scoping Report states that no demolition works are currently proposed, yet there are buildings within the Site known to be used by wildlife, including nesting Barn Owl and Kestrel. The ES must: (a) ensure that all such buildings are surveyed to appropriate current guidance; and (b) make clear that any subsequent design change introducing demolition or major works to these structures would trigger updated survey, assessment and, where necessary, licensing and mitigation.^[1]
8. **Natural England Engagement, oLEMP, and Transparency:** All biodiversity survey reports, FLL analyses, HRA screening and Appropriate Assessment documentation must be submitted to and discussed with Natural England and made available to the public as part of the examination documentation. The Outline Landscape and Ecology Management Plan (oLEMP) should set out a

clear framework for ongoing ecological monitoring and adaptive management, including triggers for additional habitat enhancement where monitoring shows that predicted outcomes are not being achieved. This transparency is essential to allow independent scrutiny of survey adequacy, FLL identification, lighting and hydrology impact pathways, and proposed mitigation.^{[3][4][1]}

Recommendation:

The biodiversity and HRA work must be strengthened to include: comprehensive, multi-season and multi-year surveys with full reporting and publication of breeding bird and other key survey data; explicit recognition and protection of hedgerows and field margins supporting Tree Sparrow, Skylark, Yellowhammer, Corn Bunting and other notable species; a Natural England-aligned methodology for defining, mapping and securing Functionally Linked Land in terms of favourable conservation status; quantitative Detailed Lighting Design and dark-corridor commitments based on current guidance; an HRA that assumes Appropriate Assessment and fully addresses in-combination effects with other projects; clear treatment of buildings used by protected species; and full transparency and Natural England engagement on all biodiversity, FLL and HRA outputs, supported by an oLEMP that embeds monitoring and adaptive management.^{[2][4][1]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.gov.uk/guidance/appropriate-assessment>
3. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>
4. <https://publications.naturalengland.org.uk/publication/5359972901453824>
5. <https://publications.naturalengland.org.uk/publication/6303434392469504>
6. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
7. <https://tamlite.co.uk/wp-content/uploads/2023/08/41867-ILP-GN08-FINAL-1.pdf>
8. <https://www.southandvale.gov.uk/app/uploads/2024/09/South-Vale-Lighting-Design-Guidance.pdf>
9. https://www.legislation.gov.uk/ukia/2025/155/pdfs/ukia_20250155_en.pdf

3.3.Landscape, Visual Impact, and Heritage

Our Concerns:

Romney Marsh is recognised as a nationally distinctive landscape, characterised by flat, open grazing marsh, big skies and coastal shingle, and containing a rich assemblage of heritage assets and historic landscape features. The Scoping Report acknowledges these interests but underestimates their sensitivity and the potential for significant, and potentially transformative, change arising from very large, tall built elements such as Battery Energy Storage System (BESS) units and on-site substations.

[1][2][3]

1. **Landscape character and sensitivity, including tall structures**

The ES must explicitly acknowledge Romney Marsh's recognition as a distinct National Character Area and as a key part of local and regional landscape strategies. Within this context, the proposed industrial-scale solar arrays are accompanied by BESS units up to 6m high and substations with an indicative footprint of up to 60,000m² and a maximum height of 15m on reinforced concrete foundations up to 2m deep. These structures are comparable in height to multi-storey buildings and on a footprint akin to major industrial facilities, representing a very substantial vertical and volumetric intrusion into an otherwise low, flat, generally open landscape. The LVIA must therefore:[2][1]

- o Treat these maximum dimensions as "reasonable worst-case" parameters under the Rochdale Envelope and explicitly assess their visual and character effects.
- o Consider whether such tall, large-footprint elements are inherently incompatible with the prevailing landscape character, even where peripheral screening is proposed.[4][1]

2. **Cumulative landscape transformation**

Multiple solar NSIPs across Romney Marsh risk transforming the landscape from an open, agriculture-dominated mosaic to a contiguous industrial energy platform. The ES must assess this cumulative transformation explicitly, not just as incremental, site-specific change, including:[1][2]

- o Mapping the combined footprint, structural height and visual influence of all relevant solar and energy projects, including turbines, substation compounds and BESS units.
- o Assessing whether a "tipping point" is reached at which the Marsh's distinctive character and sense of openness are effectively lost.

3. **Visual receptors and recreational assets**

The Scoping Report underplays views from: the King Charles III England Coast Path and other PRoW; local settlements and dispersed properties; visitors to Dungeness and the wider Romney Marsh area; and users of Lydd Airport flight paths. The LVIA must therefore:[3][1]

- o Include agreed viewpoints from these locations, with photomontages that clearly depict the full height and bulk of BESS units (up to 6m) and substations (up to 15m), including associated fencing, lighting columns and gantries.

- o Provide, where appropriate, night-time visualisations to show lighting effects on the dark-sky character of the Marsh.

4. **Heritage setting and cumulative heritage effects**

The Marsh contains listed buildings, scheduled monuments and conservation areas whose setting relies on the open, undeveloped character of the grazing marsh and coastal landscape.

The ES must:^{[3][1]}

- o Assess changes to the setting of key heritage assets from both this scheme and other NSIPs, with specific reference to the scale and massing of substation and BESS infrastructure.
- o Consider whether cumulative harm to heritage significance arises from the combined presence of multiple large-scale energy developments and tall structures in views.

5. **Night-time lighting and dark skies**

Romney Marsh currently benefits from relatively dark night skies which contribute to both ecological function and recreational value. The ES must therefore assess: ^[3]

- o Night-time lighting effects from security and operational lighting, including at BESS compounds and substations, in terms of sky-glow, light spill and glare.
- o The degree to which lighting associated with tall infrastructure alters perceived remoteness, tranquillity and the quality of key viewpoints.

6. **Glint, glare and aviation safety**

Given the proximity of Lydd Airport, a glint-and-glare study is essential to ensure aviation safety and to inform Civil Aviation Authority and airport operator consultation. This work should be clearly scoped in and cross-referenced in both LVIA and safety assessments and should consider cumulative effects with other solar schemes.^[1]

Recommendation:

The ES must provide a stronger LVIA and heritage assessment that: explicitly reflects Romney Marsh's recognised landscape character and sensitivity; fully assesses the visual and character implications of BESS units up to 6m high and substations up to 15m high and 60,000m²; considers cumulative landscape transformation from all relevant solar/energy projects; includes robust viewpoint selection, photomontages and night-time visualisations from key receptors including the Coast Path, PRoW, settlements, Dungeness and Lydd Airport approaches; assesses effects on heritage settings including cumulative heritage harm; and evaluates night-time lighting and glint-and-glare implications for aviation in consultation with Historic England, local authorities, Lydd Airport and the Civil Aviation Authority.^{[2][1][3]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.ashford.gov.uk/media/y4kjb0f/4-3-nca-123-romney-marshes.pdf>
3. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>
4. <https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda EIA Scoping Report.pdf>

3.4.Agricultural Land and Food Security

Our Concerns:

The Scoping Report acknowledges that the site contains a mix of Grade 1–4 agricultural land and that detailed Agricultural Land Classification (ALC) surveys only began in October 2025, with completion anticipated in January 2026. However, it does not yet provide sufficient assurance on BMV loss, long-term soil degradation risks or food-security implications.^[1]

1. **Best and Most Versatile (BMV) land and incomplete evidence**

Regional mapping indicates the presence of significant areas of Grade 1 and 2 land, but the exact distribution of BMV land on site will only be confirmed once current ALC surveys are complete.

The ES must therefore:^[1]

- o Publish the full ALC survey methodology, including sampling strategy, laboratory analyses and quality assurance.
- o Present definitive, mapped ALC grades and areas, and explicitly quantify any permanent or long-term loss of BMV land.

2. **Wetness, droughtiness and Marsh soil behaviour**

ALC outcomes on the Marsh are highly sensitive to soil wetness and droughtiness classes, which in turn depend on the functioning of artificial drainage and local groundwater and surface-water regimes. The ES must clearly set out:^[2]

- o The assessed wetness and droughtiness classes for each land parcel.
- o How these may be affected by changes to artificial drainage and hydrology arising from the scheme.

3. **Shading, compaction and 60-year operational impacts**

The Scoping Report assumes that the land can be readily restored to agriculture at decommissioning but provides no evidence or examples from comparable long-term solar projects in similarly drained marshland settings. The ES must therefore provide:^[1]

- o Evidence on how 60 years of panel shading, access track compaction, construction traffic and maintenance operations are expected to affect soil structure, organic matter, biology and drainage.
- o Case studies or empirical data showing successful restoration of BMV land under comparable conditions, or else acknowledge and assess the risk that ALC grade may be permanently downgraded.

4. **Food security and policy context**

Conversion of productive BMV agricultural land to solar generation must be justified against national food-security objectives and policy, particularly in the context of increasing import dependence and climate-related risks to global harvests. The ES should therefore assess:^[6]

- o The net change in local and regional food-producing capacity.

- o The significance of BMV loss in the context of planning policy and cumulative losses from other energy and non-energy developments.

5. **Agri-environment schemes and existing public goods**

Any displacement of existing agri-environment schemes that currently deliver biodiversity and landscape benefits must be accounted for as a loss, not simply ignored on the basis that the land is technically “agricultural”. The ES must:^[1]

- o Identify existing schemes and payments.
- o Quantify the value of lost public goods (habitat, landscape, carbon, water quality) and explain how these will be replaced or exceeded by the proposed BNG and mitigation measures.

Recommendation:

The ES must strengthen agricultural land assessment by:

- o Publishing full ALC methodology, mapped outcomes and BMV loss figures.
- o Explaining wetness/droughtiness classes and their interaction with changed drainage regimes.
- o Providing robust, evidence-based analysis of long-term shading and compaction impacts on soil and reversibility.
- o Assessing food-security implications and cumulative BMV loss within policy context.
- o Accounting for displacement of agri-environment schemes and demonstrating how equivalent or better public goods will be delivered.^{[6][2][1]}

3.5.Socioeconomic Impacts

Our Concerns:

The Scoping Report’s socioeconomic baseline (Chapter 16) is thin and does not adequately quantify the tourism, recreation and sense-of-place values associated with Romney Marsh, Dungeness and the Coast Path.^{[7][8][1]}

1. **Tourism and recreation baseline**

Dungeness, the RSPB reserve, Romney Marsh villages and the England Coast Path collectively attract substantial visitor numbers each year, supporting local accommodation, hospitality, guiding and retail businesses. The ES must therefore:^{[8][7]}

- o Use available visitor data (e.g. Dungeness visitor assessments, Romney Marsh Countryside Partnership reports, Coast Path usage statistics) to establish a quantified tourism baseline.
- o Assess how large-scale industrialisation of the Marsh landscape may affect visitor experience, visitation patterns and tourism-dependent employment.

2. **Community character and amenity**

The shift from an open agricultural landscape to a heavily industrialised energy landscape will impact local community character, identity and perceived quality of life, beyond simple economic metrics. The ES must:^[5]

- o Consider qualitative impacts on sense of place, tranquillity and local attachment.
- o Engage with community views through consultation and document the range of concerns.

3. **Public rights of way and access**

Multiple PRoW, including the England Coast Path, crosses or come close to the site. The ES should:^[1]

- o Identify all affected PRoW and bridleways.
- o Assess temporary and permanent impacts on access, route quality and views, including any diversions or mitigation needed.

4. **Agricultural economy**

Loss of productive farmland will have knock-on effects on the local agricultural economy, including farm employment, contractors and agri-supply chains. These effects must be assessed alongside the claimed benefits from construction and operational employment within the solar project.^[1]

5. **Property and local economic value**

Changes in landscape character and amenity may influence local property values and the attractiveness of settlements for residents and businesses. The ES should therefore include professional evidence or at least a reasoned assessment of potential property and investment impacts.^[5]

Recommendation:

The socioeconomic assessment must:

- o Quantify tourism and recreation value using available local data and assess the impact of large-scale industrialisation on these sectors.
- o Address community character and sense-of-place impacts, informed by consultation.
- o Fully assess PRoW and Coast Path impacts and required mitigation.
- o Consider impacts on the wider agricultural economy and local property values as part of a balanced socioeconomic appraisal.^{[7][8][5][1]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
3. <https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda EIA Scoping Report.pdf>
4. <https://www.gov.uk/guidance/appropriate-assessment>
5. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>

6. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>
7. http://www.dungeness-nnr.co.uk/pdf/Shingle_Issue_4.pdf
8. <https://romneymarshhistory.co.uk/tourismbusiness>

4. Cumulative Impact Assessment

4.1. Identified Deficiencies

The Scoping Report's approach to cumulative assessment (Chapter 5.10) is inadequate for a location like Romney Marsh, where hydrology, ecology, landscape and tourism operate at landscape and catchment scales. In particular:^{[1][2]}

- o The applicant proposes to exclude projects where “publicly available data” are limited, and to rely on simple distance or administrative boundaries, rather than hydrological connectivity, ecological linkages or shared landscape character.^[1]
- o In-combination effects under the Habitats Regulations are repeatedly deferred to “future stages”, contrary to the requirement to consider cumulative effects at Appropriate Assessment where significant effects cannot be ruled out at screening.^{[3][1]}

This risks materially underestimating the combined effects of multiple NSIP-scale solar and energy projects on Romney Marsh's drainage system, aquifers, designated sites, landscape character and tourism economy.

4.2. Required Approach

The ES must adopt a more robust, Romney-Marsh-appropriate cumulative methodology which:

- o Defines study areas by functional connectivity (hydrological catchments, ecological networks, landscape character areas, tourism catchments), not just distance or administrative boundaries.^[2]
- o Applies “reasonable worst-case” assumptions (Rochdale Envelope) for other NSIPs where design details are not fixed, instead of screening them out because project information is incomplete.^[4]
- o Integrates cumulative assessment across all relevant topics, including hydrology and drainage, groundwater, biodiversity and FLL, landscape and visual, agriculture, traffic, air quality and socioeconomics, rather than treating each in isolation.^[1]
- o Ensures that in-combination effects for European and Ramsar sites are addressed within the HRA Appropriate Assessment, consistent with Conservation of Habitats and Species Regulations requirements, rather than deferred to later stages.^{[5][3]}

The ES should therefore include comprehensive cumulative impact assessment addressing:

Topic	Cumulative Assessment Requirement
Hydrology and drainage	Aggregate changes in runoff, infiltration and storage across all relevant solar and energy schemes, with implications for Romney Marsh drainage capacity, pumped systems, IDB operations and flood risk.
Groundwater and SPZs	Overlapping effects on aquifer recharge, drawdown and contamination risk where multiple cable routes and foundations intersect SPZs and sensitive aquifer zones.
Biodiversity and FLL	Combined habitat loss, fragmentation, disturbance and displacement for qualifying species of Dungeness, Romney Marsh and Rye Bay SAC/SPA/Ramsar and associated Functionally Linked Land.
Landscape and heritage	Progressive transformation of Romney Marsh from open pastoral/coastal character to an industrial energy landscape, including cumulative harm to heritage settings.
Traffic and air quality	Combined construction and abnormal load traffic from concurrent NSIPs on rural roads, and resultant cumulative dust and emission effects on communities and designated sites.
Agriculture and food security	Cumulative loss and degradation of BMV agricultural land and Marsh food-producing capacity across multiple projects.
Socioeconomics and tourism	Combined effects on visitor experience, tourism-dependent businesses, community character and property values across the Marsh and Dungeness area.

Table 1: Required cumulative assessment scope

4.3. Projects for Cumulative Assessment

The cumulative assessment must include all relevant NSIPs and major energy or infrastructure projects that could interact with the South Brooks Solar Farm within the Romney Marsh hydrological catchment, ecological network and landscape/tourism setting, regardless of data gaps. Where detailed information is not publicly available, the applicant should apply proportionate, reasonable worst-case parameters consistent with Rochdale Envelope practice.^{[2][4][1]}

As a minimum, the project list should include (as applicable at the time of ES preparation):

- o Shepway Energy Park (EN0110017).
- o South Kent Energy Park
- o Stone Street Green Solar (EN010135)
- o Other large solar NSIPs in the wider Romney Marsh and Dungeness area (including consented, in-examination and scoping-stage projects).

- o Operational schemes such as Sycamore Solar and Little Cheyne Court Wind Farm.
- o LPA proposals currently in planning including St Mary in the Marsh Solar Farm and Pond Street Solar Farm and other local solar or battery projects where locations, scales or grid connections overlap functionally with South Brooks.
- o Dungeness nuclear decommissioning works and associated infrastructure changes where they may influence hydrology, traffic, employment or tourism patterns.

The precise list should be agreed with PINS, Natural England, the Environment Agency, the IDB and relevant local planning authorities, and transparently reported in the ES, together with justification for inclusion or exclusion of each scheme.^[1]

Recommendation:

The Scoping Opinion should require a cumulative impact assessment that:

- o Uses functionally defined study areas and does not exclude NSIPs solely on the basis of limited public data.
- o Applies reasonable worst-case design parameters for other projects under the Rochdale Envelope.
- o Explicitly lists all projects considered and the rationale for inclusion/exclusion.
- o Integrates cumulative assessment across all key receptors, including within the HRA for European and Ramsar sites.^{[3][2][1]}

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
3. <https://www.gov.uk/guidance/appropriate-assessment>
4. https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda_EIA_Scoping_Report.pdf
5. https://www.legislation.gov.uk/ukia/2025/155/pdfs/ukia_20250155_en.pdf

5. Transparency and Public Engagement

5.1. Baseline Data Publication

The scale and sensitivity of South Brooks, and the number of overlapping NSIPs on Romney Marsh, make transparency of baseline data and modelling assumptions essential for effective scrutiny by regulators, communities and independent experts. The Scoping Report confirms that extensive surveys and technical studies are underway (including breeding, wintering and passage bird surveys, UKHab mapping, bat activity, invertebrates, ALC, hydrology and drainage work) but gives no clear commitment that the underlying data will be published in a usable form.^[1]

We request that the Planning Inspectorate requires full publication of all baseline survey data and technical models used to support the ES and HRA, in accessible formats suitable for independent review. This should include, as a minimum:

- o Raw or summarised ecological survey data (breeding, wintering and passage birds; bats; great crested newts; invertebrates; water voles and otter; habitats and condition), including survey dates, methods, effort, weather conditions and observer details, and the full breeding bird survey report with mapped territories for key species such as Tree Sparrow, Skylark, Yellowhammer and Corn Bunting so that hedgerows and field margins of high value can be clearly identified and protected.^[1]
- o Groundwater and surface water monitoring data, including borehole and piezometer locations, construction details, levels and chemistry, plus ditch/watercourse level and quality records.
- o Hydraulic and drainage models (including assumptions, input parameters, sensitivity analyses, and representation of artificial field drainage networks and IDB infrastructure).
- o Air quality and noise models where relevant to designated sites or sensitive receptors.
- o Agricultural Land Classification survey outputs, with soil pit locations, profiles, laboratory analyses, wetness/droughtiness classes and mapped ALC grades.
- o Landscape and visual materials (including viewpoint locations, photomontages, night-time visualisations, camera and rendering specifications) and glint-and-glare analysis where relevant to Lydd Airport.^[1]

Publishing these materials will support informed engagement from Natural England, the Environment Agency, the Internal Drainage Board, local planning authorities, NGOs, community groups and independent specialists.

5.2. Independent Peer Review

Given the technical complexity and high stakes involved in hydrology/flood risk, groundwater protection and Habitats Regulations Assessment on Romney Marsh, independent peer review of key

assessments is warranted. To ensure completeness and quality in line with the EIA Regulations 2017 and PINS

Advice Note Seven, we request that the Scoping Opinion:^{[2][1]}

- o Encourages or requires independent peer review of the Hydrogeological Risk Assessment, Flood Risk and Drainage Assessment (including artificial field drainage mapping and IDB interactions), and HRA/Appropriate Assessment.
- o Specifies that such review should be undertaken by suitably qualified and experienced experts, independent of the applicant, with summaries of peer review findings and applicant responses made publicly available as part of the examination record.^{[3][2]}

This will help identify any gaps or weaknesses in the ES at an early stage and reduce the risk of unresolved technical disputes later in the process.

5.3.Community Consultation

Romney Marsh and Dungeness host communities and visitors with a strong sense of place and longstanding engagement in local environmental and planning issues. Meaningful public participation is therefore critical. We request that the Scoping Opinion expects a consultation process that goes beyond minimum statutory requirements and includes:^{[4][5]}

- o Accessible, locally held public exhibitions (in Lydd, New Romney and other affected communities) with technical specialists available to explain hydrology, drainage, biodiversity/HRA (including FLL), ALC, landscape and tourism issues in plain language.
- o Clear, non-technical summaries of all major technical topics (hydrology, groundwater, biodiversity/ HRA, FLL, ALC, landscape, tourism and socioeconomics) provided online and in hard copy, alongside the full ES documents.
- o Opportunities for community-led input, including local knowledge on drainage behaviour, field drainage infrastructure, wildlife usage (including use of buildings by Barn Owl and Kestrel), tourism patterns and recreational routes, with clear explanation of how such information has been considered.
- o A clear commitment that no further statutory consultation is undertaken on any red line boundary or layout that overlaps functionally with other NSIP-scale solar projects on Romney Marsh, and that the applicant will first work with PINS, other NSIP promoters and local authorities to remove such overlaps and present communities with a coherent, non-overlapping set of proposals.
- o Adequate time periods for consultation commensurate with the volume and complexity of ES material, and active engagement with parish councils, local community groups and landowners.^{[6][1]}

Transparent data, independent technical assurance and high-quality engagement are all essential if the environmental information relied upon for decision-making is to be trusted and relied upon by affected communities and statutory bodies alike.

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
2. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>
3. <https://www.gov.uk/government/collections/national-infrastructure-planning-advice-notes>
4. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
5. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>
6. <https://romneymarshhistory.co.uk/tourismbusiness>

6. Specific Recommendations for the Scoping Opinion

We respectfully request that the Planning Inspectorate's Scoping Opinion secure an Environmental Statement and HRA that are complete, proportionate and compliant with the Infrastructure Planning (EIA) Regulations 2017 and PINS Advice Note Seven, tailored to the particular sensitivities of Romney Marsh.^{[1][2][3]}

6.1.Reinstatement of Scoped-Out Topics

1. Air Quality (Chapter 17)

Air quality must be scoped into the ES. The applicant should be required to:

- o Undertake a Construction Dust Assessment and traffic-related emissions assessment in accordance with current IAQM guidance, taking account of sensitive human and ecological receptors and cumulative construction from other NSIPs.
- o Assess operational air quality effects where relevant (including potential BESS thermal events) and their implications for designated habitats and human health.
- o Consider cumulative dust and NOx deposition effects on SAC/SPA/SSSI and Ramsar features, consistent with HRA requirements.^{[3][4]}

2. Land Contamination and Groundwater (Chapter 18)

Land contamination and groundwater impacts must be fully scoped into the ES. The applicant should be required to:

- o Produce a comprehensive Hydrogeological Risk Assessment covering all construction and operational activities, particularly where they intersect Secondary A aquifers and Source Protection Zones.
- o Identify and assess all plausible contaminant sources, pathways and receptors, including legacy agricultural chemicals and any potential radiological pathways.
- o Integrate groundwater impacts with surface-water and drainage assessments, and with HRA for groundwater-dependent ecosystems.^[3]

3. Materials and Waste (Chapter 19)

Materials and waste must be reinstated as a full EIA topic. The ES should be required to:

- o Quantify, as a reasonably worst-case, the tonnage and types of key construction materials (steel, glass, aluminium, cabling, concrete, aggregates etc.).
- o Estimate construction, operational and decommissioning waste arisings, including hazardous waste scenarios associated with BESS and PV panels.
- o Assess associated transport movements and cumulative material demand given the number of NSIPs in the Marsh and demonstrate alignment with waste hierarchy and circular economy principles.^{[5][3]}

6.2.Enhanced Assessment Requirements

We request that the Scoping Opinion secure the following topic-specific enhancements.

1. Hydrogeological Risk and Flood Risk

The ES should be required to provide:

- o A Hydrogeological Risk Assessment including at least 12 months of baseline groundwater monitoring, a robust Conceptual Site Model and quantitative risk assessment for construction and operation, particularly where works intersect Secondary A aquifers and Source Protection Zones. ^[1]
- o A Flood Risk and Drainage Assessment using Romney-Marsh-specific hydraulic modelling, latest climate-change allowances, and a cumulative context, explicitly considering reduced infiltration from compaction and infrastructure and raised baseline water levels. ^{[2][1]}
- o Comprehensive survey, mapping and assessment of subsurface artificial field drainage systems, with explicit protection, diversion or replacement strategies agreed with landowners and the Internal Drainage Board, and post-construction monitoring and financial provisions for restoration or compensation. ^[1]
- o Assessment of impacts on IDB statutory functions, including access, maintenance freeboard and operational water-level control, and clear arrangements for maintenance and access to all drainage infrastructure. ^{[2][1]}
- o Fixing of key hydrology-critical parameters under the Rochdale Envelope (e.g. maximum impermeable area, piling depth ranges, BESS and substation footprints and heights, track specifications) for use as “reasonable worst-case” values in all modelling. ^{[3][1]}

2. Biodiversity and HRA

The ES and HRA should be required to:

- o Undertake and fully report multi-season and, where appropriate, multi-year ecological surveys (particularly for birds, bats, invertebrates, GCN and riparian mammals), with methods, coverage, limitations and data summaries published. ^[1]
- o Publish the full breeding bird survey report, including territory maps, and explicitly value Tree Sparrow (county importance), Skylark (at least local/district importance), Yellowhammer, Corn Bunting and other notable species using recognised geographic importance scales, with these data used to define and protect key hedgerows and field margins. ^[1]
- o Explicitly recognise hedgerows and associated margins as key ecological features where they support important farmland bird assemblages, and demonstrate how layout and management will retain, buffer and enhance these features. ^[1]
- o Align Functionally Linked Land identification with Natural England guidance on functional linkage and favourable conservation status, using agreed thresholds for “regular use” by

qualifying species and drawing on both current and historical data; publish FLL methods, analysis and mapping; and show how all FLL will be avoided, buffered or compensated.^{[4][5][1]}

- o Confirm the survey and assessment approach for NERC Section 41 species known on the peninsula (e.g. Harvest Mouse, Brown Hare, Hedgehog), or provide robust justification for any decision to scope these out, in light of the NERC Act 2006 duty to have regard to biodiversity conservation.^[6]
- o Provide a Detailed Lighting Design with quantitative lux modelling, spectral characteristics and curfew/control measures in line with current guidance (e.g. ILP GN08/23), and secure “dark-corridor” measures to protect bats, migratory birds and designated sites via enforceable DCO requirements.^{[7][8][1]}
- o Assume from the outset that an Appropriate Assessment will be required under the Habitats Regulations and fully address in-combination effects with other NSIPs and plans/projects at the HRA stage, with all relied-upon mitigation secured by enforceable DCO requirements and clearly cross-referenced in the ES.^{[9][10][1]}
- o Ensure that buildings used by protected species (e.g. Barn Owl, Kestrel) are surveyed to current guidance and that any later change introducing demolition or major works triggers updated surveys, assessment and, where needed, licensing and mitigation.^[1]
- o Include in the Outline Landscape and Ecology Management Plan (oLEMP) a clear framework for long-term ecological monitoring and adaptive management, with defined triggers for additional habitat enhancement if monitoring shows shortfalls against predicted outcomes.^[1]

3. Landscape, Visual and Heritage

The ES should be required to:

- o Deliver an LVIA that explicitly recognises Romney Marsh’s distinctive landscape character and assesses the implications of large, tall infrastructure such as BESS units (up to 6m high) and substations (up to 15m high and 60,000m footprint).^{[2][1]}
- o Provide comprehensive viewpoint selection including the King Charles III England Coast Path, key PRoW, Dungeness, local settlements and Lydd Airport approaches, with photomontages and, where relevant, night-time visualisations that depict the full scale and lighting of BESS and substation infrastructure.^{[11][1]}
- o Assess cumulative landscape transformation from all relevant solar and energy NSIPs and the resulting change in character from open pastoral/coastal landscape to industrial energy landscape.
- o Undertake heritage impact assessment in consultation with Historic England and local authorities, including cumulative setting effects, and a glint-and-glare assessment for aviation safety in consultation with Lydd Airport and the Civil Aviation Authority.^{[11][1]}

4. Agricultural Soils and Food Security

The ES should be required to:

- o Publish full ALC survey methodology, mapped ALC outcomes and clear quantification of BMV land loss.^[1]
- o Explain soil wetness and droughtiness classes and their sensitivity to changes in artificial drainage and hydrology on Romney Marsh.^[2]
- o Provide robust, evidence-based analysis of long-term shading and compaction impacts on soil structure, organic matter and fertility over the operational life, with realistic appraisal of restoration prospects at decommissioning and, where possible, evidence from comparable long-term solar schemes.
- o Assess food-security implications and cumulative BMV loss from other NSIPs and developments in the area, in the context of national policy.^{[6][1]}
- o Account for displacement of existing agri-environment schemes and demonstrate how equivalent or better public goods (biodiversity, landscape, carbon, water quality) will be delivered.

5. Socioeconomics and Tourism

The ES should be required to:

- o Strengthen the socioeconomic chapter by quantifying tourism and recreation value using local visitor data for Dungeness, Romney Marsh and the England Coast Path, and assessing how large-scale industrialisation may affect visitor experience, local businesses and employment.^{[12][13][11]}
- o Address community character and sense-of-place impacts, informed by consultation with local communities and parish councils.
- o Fully assess PRow and Coast Path impacts (including visual, noise and access effects) and required mitigation, with particular protection for nationally significant routes.
- o Consider impacts on the wider agricultural economy and on local property values as part of a balanced appraisal, alongside claimed employment and investment benefits.^[1]

1. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf

2. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>

3. https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda_EIA_Scoping_Report.pdf

4. <https://publications.naturalengland.org.uk/publication/5359972901453824>

5. <https://publications.naturalengland.org.uk/publication/6303434392469504>

6. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an>

7. <https://tamlite.co.uk/wp-content/uploads/2023/08/41867-ILP-GN08-FINAL-1.pdf>

8. <https://www.southandvale.gov.uk/app/uploads/2024/09/South-Vale-Lighting-Design-Guidance.pdf>
9. <https://www.gov.uk/guidance/appropriate-assessment>
10. https://www.legislation.gov.uk/ukia/2025/155/pdfs/ukia_20250155_en.pdf
11. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>
12. http://www.dungeness-nnr.co.uk/pdf/Shingle_Issue_4.pdf
13. <https://romneymarshhistory.co.uk/tourismbusiness>

6.3.Cumulative Assessment

The Scoping Opinion should require a robust cumulative effects assessment that:

- o Uses functionally defined study areas (hydrological catchments, ecological networks, landscape character areas and tourism catchments) rather than only distance or administrative boundaries.^{[6][3]}
- o Includes all relevant NSIPs and major energy/infrastructure projects that could interact with South Brooks (including Shepway Energy Park, other solar NSIPs, operational schemes such as Sycamore Solar and Little Cheyne Court Wind Farm, emerging schemes at Stonestreet Green, Springwell, Broomhill/Camber Road, and Dungeness decommissioning works), with transparent justification for inclusion/exclusion.
- o Applies reasonable worst-case parameters for other projects where detailed data are not yet available, in line with Rochdale Envelope practice.^[5]
- o Integrates cumulative assessment across hydrology, groundwater, biodiversity/FLL, landscape/ heritage, agriculture, traffic/air quality and socioeconomics, and ensures that in-combination effects on European and Ramsar sites are addressed within the HRA Appropriate Assessment.^{[4][3]}

6.4.Transparency, Peer Review and Engagement

Finally, the Scoping Opinion should emphasise:

- o **Full publication** of baseline survey data and technical models, including detailed mapping of artificial field drainage systems and FLL, in formats suitable for independent scrutiny.
- o **Independent peer review** of key technical disciplines (especially hydrogeology, flood risk/ drainage, and HRA), with peer review findings and applicant responses made publicly available.^{[1][3]}
- o **Enhanced community consultation**, including local exhibitions, clear non-technical summaries, and mechanisms for incorporating local knowledge on drainage, biodiversity, tourism and access.^{[9][3]}
- o **Mandatory consultation** with landowners, the Internal Drainage Board, Natural England, the Environment Agency and local authorities on those aspects where their statutory functions or expert remit are directly engaged (notably drainage, FLL, designated sites and tourism/heritage assets).^[3]

These measures together will help ensure that the Secretary of State receives an Environmental Statement and HRA that meet the requirements of the EIA Regulations 2017 and PINS Advice Note Seven and properly reflect the exceptional sensitivities of Romney Marsh.^{[2][1]}

1. <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-sevenenvironmental-impact-assessment-process-preliminary-environmental-information-an/nationally->

significantinfrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmentalinformation-an

2. <https://www.gov.uk/government/collections/national-infrastructure-planning-advice-notes>
3. EN0110027-000002-South-Brooks-Solar-Farm-Scoping-Report-Volume-1-Main-Report.pdf
4. <https://www.gov.uk/guidance/appropriate-assessment>
5. <https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda EIA Scoping Report.pdf>
6. <https://www.ashford.gov.uk/media/y4kjbX0f/4-3-nca-123-romney-marshes.pdf>
7. <https://www.folkestone-hythe.gov.uk/downloads/file/2274/12-31-case-study-dungeness>
8. http://www.dungeness-nnr.co.uk/pdf/Shingle_Issue_4.pdf
9. <https://romneymarshhistory.co.uk/tourismbusiness>

7. Conclusion

The South Brooks Solar Farm is proposed in a landscape and hydrological system of exceptional sensitivity, underlain by important aquifers, controlled by a finely balanced engineered drainage network, and adjacent to internationally and nationally designated sites of the highest importance for biodiversity, landscape and heritage. It also occupies productive agricultural land that contributes to food security and sits within a visitor-dependent area centred on Romney Marsh, Dungeness and the King Charles III England Coast Path.

The Scoping Report, as currently drafted, does not provide a sufficiently robust or evidence-based platform for the Environmental Statement and HRA. Attempts to scope out air quality, land contamination and groundwater, and materials and waste are unjustified in this context; the proposed treatment of hydrology, artificial field drainage, biodiversity and Functionally Linked Land, landscape/heritage, agricultural soils and socioeconomics is incomplete; and the cumulative assessment methodology is not adequate for a Marsh-wide pattern of multiple NSIP-scale energy developments. For a nearly identical project in the same landscape type (Shepway Energy Park), the Planning Inspectorate required substantially more detail, tighter Rochdale Envelope parameters, and additional environmental assessments, many of which are absent from the South Brooks Scoping Report; the same level of scrutiny is required here to ensure consistency and compliance.

The specific enhancements requested in this representation are designed to ensure that the Scoping Opinion requires a genuinely comprehensive, Romney-Marsh-appropriate assessment of environmental and community effects, including: rigorous hydrogeological and drainage work (with IDB and artificial drainage fully addressed), stronger biodiversity and HRA requirements (including FLL, lighting and in-combination effects), more demanding agricultural and food-security analysis, a realistic cumulative impact approach, and much greater transparency and peer review. Only on the basis of such an evidence-rich and properly scoped ES and HRA can the Secretary of State, statutory bodies, local authorities and communities reach informed judgements about whether this development can proceed without unacceptable environmental and social harm.

This submission is intended to assist the Secretary of State in ensuring that the Scoping Opinion is fully compliant with the Infrastructure Planning (EIA) Regulations 2017 and PINS Advice Note Seven, and that it secures the level of environmental information required by those instruments – and by recent PINS practice on comparable solar NSIPs – for a proposal of this scale and sensitivity on Romney Marsh.

Old Romney Parish Meeting,
14 Elmfields, Old Romney, Kent TN29 9SN



Old Romney Parish Meeting

Planning Inspectorate
Environmental Services

Dear Sir/Madam

Thank you for your email and attached letter regarding the pre-application consultation body prior to adopting its Scoping Opinion.

Consultation on -

Blue Planet Solar Limited (the applicant)

South Brooks Solar Farm (the proposed development)

The opinion on behalf of the local parish as requested is as follows;

Scale

The body wish to have it noted of its concerns on the sheer huge scale of proposed solar parks recently released in 2025, i.e. ones that our known of to current are:

- **Sheer size**
- **Loss of highly productive land**
- **Land use and food security**
- **Visual impact**
- **Safety concerns**
- **Noise concerns, light flicker concerns**
- **Ecology and wildlife habitat loss**
- **Construction disruption & landscape impact**
- **Traffic impact**
- **Loss of amenities**
- **Lack of mitigation or compensation for residents directly affected (loss of amenities, devaluation of property, disruption during construction etc)**
- **Sourcing concerns**
- **Impact on local economy**
- **Mental health and well-being impact**

- **Loss of Property value. Or ability to sell properties now and in future. Estate agents have already advised and valuations are likely to see a reductio in property value.**
- **not least any compensation to local residents**

South Brooks Solar Farm Scheme (Lydd) 2,700 acres (1,100 hectares)

South Kent Energy Scheme (Old Romney) 1,500 acres (600 hectares)

Shepway Energy Park Scheme Newchurch 1,000 acres (400 hectares)

More than 8 square miles of Romney Marsh at risk

Total consulted/known to date 5,200 acres of prime grade 1 farmland.

Decimation of drainage infrastructure.

No local jobs created in construction

Few if any after.

The lack of evidenced, document performance of existing solar park in Old Romney.
i.e. 10% on a good full summer day.

Alternative suggestion would be a simple SMR Nuclear reactor based at an existing site at Dungeness with connection to National Grid on Site taking up less than a good estimate of 8 acres needed, already supplied with a National Grid connection waiting to be used. Retaining 100s of jobs.

Manufactured in the UK by Rolls Royce.

Without expected local minor road destruction. Reduction in hundreds of thousand deliveries.

Negating Anxiety and true fears of the safety of any proposed battery storage units. Fears of which have been raised by the Fire Brigade as they are unable to extinguish fires in the storage units.

In short this would provide 5 acres at Dungeness as opposed to 5,500 acres of prime farmland across the whole Romney Marsh.

It does not seem right that we should purchase millions of solar panels and equipment from foreign countries (China) in the uncertain times that we live in.

**Lorna Ford
Chief Executive**

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

By email only

9th December, 2025

Dear Sir/Madam

South Brooks Solar Farm – ES Scoping Consultation and the Response of Rother District Council

Thank you for consulting Rother District Council (RDC) concerning this Environmental Statement Scoping Opinion. In providing this response RDC recognise that the majority of the proposed development takes place outside of Rother District and within the District of Folkestone and Hythe.

Comments made below are referenced to the chapter and paragraph of the applicant's EIA Scoping Report for clarity.

1. Chapter 4, paragraphs 4.8.9 and 4.8.10

Only one policy is referenced from Rother's Core Strategy. Whilst it is accepted that not all relevant policies can be given on account of brevity, key policies in respect of landscape, design, the economy and the environment should be highlighted and stated in full or in summary. Failure to do this downplays these development plan policies, which are a material planning consideration in the determination of this DCO.

2. Chapter 11, paragraph 11.2.

Reference should be made to Natural England's National Character Area Profiles. They are a useful framework for guiding change and supporting decision making and the reference made at paragraph 11.4.10, albeit welcomed as part of the applicant's methodology, appears somewhat as an afterthought.

3. Chapter 15, table 15.4

It is accepted that air quality impacts during operation of the proposed development will be limited given the limited traffic associated with the operation of the proposed use. However, it is considered important to scope in air quality during construction given the 2 to 3 year construction period and the fact that significant works such as site clearance, haul roads and earthworks and excavations are to be undertaken over a relatively large area.

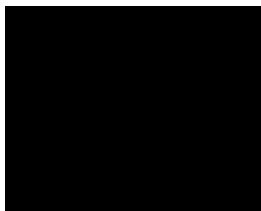
4. Chapter 18, table 18.1.

Ultimately RDC would defer to Natural England in respect of scoping out the effect on proximate SSSIs. However, given that a number of different works are proposed within the SSSI itself, together with the national importance and sensitivity of the SSSI designation, RDC is surprised that these effects are proposed to be scoped out of the Environment Statement.

5. Chapter 19, table 19.1

RDC accepts that lighting during construction will be temporary and does not disagree with lighting during construction being scoped out of the Environmental Statement. However, during operation of the proposed development RDC consider that it should be scoped in to the Environmental Statement given the potential permanent effects and on account of the relatively rural nature of the area and its location within an area of relatively dark night skies.

Yours faithfully



Mike Hughes
Head of Planning

From: [Town Hall](#)
To: [South Brooks Solar Farm](#)
Subject: FW: EN0110027 - South Brooks Solar Farm - EIA Scoping and Consultation and Regulation 11 Notification
Date: 26 November 2025 12:36:38
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Letter to stat cons Scoping & Reg 11 Notification NEW.pdf](#)

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Good morning,

In response to your request for comments in relation to informing the Scoping Opinion for this project, Rye Town Council requests that the applicant be asked to ensure that the Environmental Statement addresses how the local ecosystem will be protected.

Best wishes

Jessica Neame
Deputy Town Clerk

Rye Town Council
Town Hall
Market Street
Rye
East Sussex TN31 7LA
Tel: [REDACTED]
www.ryetowncouncil.gov.uk

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South Brooks Solar Farm

Our Ref: SDNP/25/04642/ADJAUT
Contact Officer: Vicki Colwell
Tel. No.: [REDACTED]

26th November 2025

Dear Sir/Madam,

Neighbouring Authority Consultation

Applicant: South Brooks Solar Farm
Proposal: EN0110027 - South Brooks Solar Farm - EIA Scoping and Consultation and Regulation 11 Notification
Location: South Brooks Solar Farm

Thank you for your correspondence received 11 November 2025, consulting us as a neighbouring authority on the above noted development proposals.

Although the application site is located outside of the National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination.

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

Section 245 of the Levelling-Up and Regeneration Act 2023 (S.245 duty) amends and strengthens the Section 11A (2) duty of the National Parks and Access to the Countryside Act 1949 upon relevant authorities, which includes the National Park Authority itself, to 'seek to further the specified purposes of Protected Landscapes'.

The National Park's comments on the development are as follows:

The SDNPA has no comment to make.

Yours faithfully



TIM SLANEY

South Downs National Park Authority, South Downs Centre, Midhurst, GU29 9DH
Tel: [REDACTED] Email: planning@southdowns.gov.uk

ADADJZ

Director of Planning
South Downs National Park Authority

Contact Officer
Vicki Colwell



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UK Health Security Agency

Environmental Hazards and Emergencies Department
Seaton House, City Link
London Road
Nottingham, NG2 4LA

nsipconsultations@ukhsa.gov.uk
www.gov.uk/ukhsa

Your Ref: EN0110027
Our Ref: CIRIS93992

Ms Emily Park
Senior Environmental Advisor
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol, BS1 6PN

8th December 2025

Dear Ms Park

Nationally Significant Infrastructure Project South Brooks Solar Farm Scoping Consultation Stage

Thank you for including the UK Health Security Agency (UKHSA) in the scoping consultation phase of the above application. ***Please note that we request views from the Office for Health Improvement and Disparities (OHID), and the response provided below is sent on behalf of both UKHSA and OHID.*** The response is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and well-being of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example, emissions to air or road traffic incidents, is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

We understand that the promoter will wish to avoid unnecessary duplication and that many issues, including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the Environmental Statement (ES). We believe the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key

information, risk assessments, proposed mitigation measures, conclusions and residual impacts relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

Our position is that pollutants associated with road traffic or combustion, particularly particulate matter and oxides of nitrogen, are non-threshold; i.e. an exposed population is likely to be subject to potential harm at any level and that reducing public exposure to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards will have potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure) and maximise co-benefits (such as physical exercise). We encourage their consideration during development design, environmental and health impact assessment, and development consent.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. UKHSA and OHID's predecessor organisation Public Health England, produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*¹, setting out aspects to be addressed within the Environmental Statement¹. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

Yours sincerely,

On behalf of UK Health Security Agency

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

¹
<https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658>