Reference Number	26/1119/FH/NSIP
Location	South Brooks Solar Farm, Lydd
Application Description	Statutory consultation under S42 of the Planning Act 2008 for a 500MW solar farm comprising PV arrays, onsite substation(s), Battery Energy Storage System (BESS) units, power conversion stations, grid connection infrastructure (including underground grid connection cabling to the Point of Connection (PoC) and underground interconnecting cable routes), access tracks, landscape and ecological mitigation and enhancement areas.
Applicant	Blue Planet Solar Ltd
Agent	DWD Ltd
Officer Contact:	Andrew Byrne

Recommendation

That the Committee endorses the concerns, requirements and recommended points of response set out in this report and authorises officers to submit them as the Council's formal response to the applicant's statutory pre-application consultation for the South Brooks Solar Farm - Nationally Significant Infrastructure Project, with delegated authority to the Chief Planning Officer to make minor factual, formatting and typographical amendments prior to submission.

Key Issues for Members

At this pre-application stage, it is not necessary or appropriate for the Council to reach a concluded view of support or objection to the proposal. The purpose of the Council's response is to identify the key planning issues, local impacts, evidential gaps and matters of concern that the applicant must address before any Development Consent Order (DCO) application is submitted. The principal unresolved issues are:

- the scale and duration of the loss of Best and Most Versatile agricultural land, including cumulative effects with other solar NSIP proposals;
- landscape and visual effects within the open Romney Marsh landscape, including the adequacy and realism of proposed mitigation;
- the need for a complete and robust built heritage assessment, including cumulative effects and the relationship between heritage and landscape mitigation;

- ecological and Habitats Regulations Assessment matters, particularly effects on internationally and nationally designated sites and cable route impacts;
- flood risk, drainage, groundwater and firewater management, including effects on historic drainage systems and watercourses;
- the siting and safety of the BESS and associated infrastructure, particularly in relation to residential proximity, fire safety and environmental containment;
- transport, construction traffic and public rights of way impacts, including cumulative construction effects with other major projects;
- socioeconomic effects on farming, tourism, the rural economy and local supply chains, and the need for a binding local employment, skills and supply chain strategy;
- future strategic planning implications for New Romney and the Romney Marsh over the proposed 60-year operational period.

1. Reason for consideration by the Committee

1.1. This consultation is reported to Committee because of the large-scale nature of the development proposed and significant public interest in the project (and other similar schemes proposed in the Romney Marsh area)

1.2. Members will appreciate that proposals of this scale raise a wide range of local concerns. The purpose of this report is not to catalogue every issue that may be raised in response to the consultation, but to identify those matters which are capable of being important and relevant to the statutory decision-making process for a Nationally Significant Infrastructure Project (NSIP).

1.3. Officers have therefore focused the assessment on planning policy, environmental effects, local impacts, mitigation and matters that are likely to be material to the Planning Inspectorate's examination and the Secretary of State's decision under the Planning Act 2008. This approach is intended to ensure that the Council's response is clear, proportionate, evidence-led and capable of carrying weight in the NSIP process.

2. Background

2.1. Members will be aware that proposals are being developed for three large scale solar projects in the Romney Marsh area**.** A map showing the broad location of these schemes within the wider Romney Marsh area is attached as **Appendix 1.**

- South Brooks Solar Farm
- South Kent Energy Park
- Shepway Energy Park

2.2. Broad details of these projects and an explanation of the NSIP process have previously been reported to Full Council and the Overview and

Scrutiny Committee in June and February respectively. The following links can be used to access these reports.

- Full Council report (24/06/26) – Solar Farms Petition Full Council Report
- Overview and Scrutiny Committee (26/02/26) - Solar Farms report

2.3. These developments are classed as Nationally Significant Infrastructure Projects (NSIPs) and as such are not planning applications determined by the Council as the Local Planning Authority. Instead, they are assessed by the Planning Inspectorate as the Examining Authority and determined by the Secretary of State.

2.4. The Council is classed as a "Host Authority" in the NSIP process, as the developments are taking place within our administrative boundaries. Kent County Council is also a Host Authority. Where development extends into other neighbouring local authorities (Rother District Council in the case of the South Brooks Solar Farm and Ashford Borough Council in the case of the Shepway Energy Park), these are also classed as Host Authorities and they will make their own representations on the scheme (although moving forward, Host Authorities may wish to consider joint statements if they have common issues to raise).

2.5. There are a number of stages in the NSIP decision making process. These are:

- Informal Pre-application consultation
- Scoping
- Statutory Pre-application consultation

2.6. The applicants for all three schemes have undertaken an "informal" pre-application consultation with the local community and have submitted a request for a Scoping Opinion to the Planning Inspectorate (these have been issued for the South Brooks and Shepway schemes). Officers on behalf of the Council have also provided comments to the applicants for the South Brooks and Shepway Energy projects on their draft Statement of Community Consultation.

2.7. The applicants for the South Brooks Solar Farm have now advanced to the formal pre-application statutory consultation stage for their project, as required under s42 of the Planning Act 2008. (https://www.legislation.gov.uk/ukpga/2008/29/pdfs/ukpga_20080029_en.pdf).

2.8. This statutory pre-application consultation is wide-ranging - engaging with the local community, local authorities and prescribed bodies. It includes a greater amount of detail on the proposals than the informal consultation and an initial assessment of impacts – known as Preliminary Environmental Information (PEI).

2.9. The PEI contains the results of the applicant's early environmental assessment work that has been undertaken for the project. The consultation runs from 28th May-16th July, although the applicant has agreed an extension of time with officers to enable this report to be presented to committee.

2.10. Government advice is that local authorities have an important role to play in the NSIP process, as follows:

- To proactively engage with the applicant on their proposed scheme, particularly during the pre-application stage.
- The local authority should engage with the applicant even if they disagree with the project in principle. Early engagement will not undermine any objections or submissions made during the next stages of the process.
- To take part in all the stages of the NSIP process.

2.11. At this stage, the local authority can begin to consider any mitigation that may be needed to reduce or resolve the impacts that may be caused by the construction, operation and decommissioning of the development. The advice states that the local authority *"can also identify where the project could support its strategic objectives and discuss this with the applicant, for example on skills and economic policies."*

2.12. It is important for Members to note that the Council's response to this consultation is based upon the level of information submitted at this stage. The PEI is preliminary and does not provide a complete assessment of impacts, and the final proposals are not fixed. The Council therefore reserves its position on the acceptability of the scheme pending the submission of a full DCO application, Environmental Statement, Habitats Regulations Assessment, secured mitigation and any draft DCO requirements or obligations. The Council will have a further opportunity to make formal representations once an application has been submitted to and accepted by the Planning Inspectorate.

3. Site and Surroundings

3.1. The site comprises five land parcels and a number of interconnecting corridor areas and access routes loosely arranged in proximity to the settlement of Lydd and to the south of New Romney. The site in total comprises approx. 1208 hectares of land, predominantly consisting of agricultural fields interspersed with vegetation, scrub, limited trees and hedgerows, ditches, watercourses and access tracks.

Site plans for the scheme are attached to this report at **Appendix 2**.

Parcel A

3.2. Parcel A is the largest of the proposed development parcels and extends to approximately 630 hectares. It is broadly L-shaped, extending from Midley Wall in the north to Little Cheyne Court Wind Farm in the west, generally following the alignment of the Wainway Petty Sewer. From the wind farm, the parcel extends south-eastwards to land north of Scotney Court on Jury's Gap Road. Parcel A also includes approximately 50 hectares of land within Rother District Council. The parcel then follows the alignment of the Tore Petty Sewer and Jury's Gut Sewer northwards towards Midley Wall. Two additional areas of land are located on the northern side of the road at Midley Wall.

3.3. The parcel lies within the Romney Marsh Local Landscape Area and is characterised by a flat, open and predominantly agricultural landscape typical of Romney Marsh, with long-distance views and relatively limited screening. The land is principally used for arable cropping, cereal production and pasture. The land is predominantly identified as Grade 1 and Grade 2 agricultural land under Natural England land classification maps.

3.4. Two overhead electricity transmission lines cross the parcel and a number of public rights of way pass through the site. Much of the parcel falls within Flood Zones 2 and 3.

3.5. There are no listed buildings within Parcel A itself. However, a number of designated heritage assets lie within its wider setting, including Scotney (Grade II) and Old Tomms/Westbrook (Grade II).

3.6. Parcel A lies in close proximity to internationally and nationally designated ecological sites. At its closest point it is immediately adjacent to the Dungeness, Romney Marsh and Rye Bay Ramsar site, approximately 250 metres from the Dungeness, Romney Marsh and Rye Bay SPA, and approximately 900 metres from the Dungeness Special Area of Conservation. Land immediately to the south of the parcel forms part of the Dungeness, Romney Marsh and Rye Bay SSSI. The proposed mitigation land within the site to the west and south west of Horse Bones Farm falls within the SSSI.

Parcel B

3.7. Parcel B comprises two areas of land on either side of Romney Road, broadly between Kemps Hill Farm and Caldecott Farm, and extends to approximately 90 hectares in total. At its closest point, the parcel lies approximately 330 metres from the settlement boundary of New Romney.

3.8. The parcel lies within the Romney Marsh Local Landscape Area and is characterised by a flat, open agricultural landscape with very limited pockets of roadside vegetation and screening. The land is identified as Grade 2 agricultural land under Natural England land classification maps.

3.9. A public footpath crosses part of the parcel. Much of the parcel falls within Flood Zones 2 and 3.

3.10. The parcel is located adjacent to the Dungeness, Romney Marsh and Rye Bay SSSI and approximately 2.2 kilometres from the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar sites, and the Dungeness SAC.

Parcel C

3.11. Parcel C comprises an area of approximately 150 hectares of land to the north of Lydd Airport. The parcel is bounded by the Dengemarsh Sewer to the west and by the line of a disused railway track to the east. At its closest point, it lies approximately 250 metres from the settlement boundaries of New Romney and Greatstone-on-Sea.

3.12. The landscape is generally flat and open, with limited tree or hedgerow cover. Most of the parcel lies within the Romney Marsh Local Landscape Area. The land is identified as predominantly Grade 3 agricultural land under Natural England land classification maps, with a small area of Grade 4 land to the south of the parcel.

3.13. A public footpath follows the alignment of the Dengemarsh Sewer to the west of the parcel. The site is approximately 750 metres south of New Romney Conservation Area and a number of listed buildings within that area.

3.14. The southern part of Parcel C falls within the Dungeness, Romney Marsh and Rye Bay SSSI. At its closest point, the parcel is approximately 400 metres from the Dungeness, Romney Marsh and Rye Bay SPA, Ramsar site and Special Area of Conservation. The parcel largely falls outside Flood Zones 2 and 3.

Parcel D

3.15. Parcel D Parcel D comprises approximately 39 hectares of land between Forty-Acre Farm and Jacques Court to the west, the railway line to the south, and Lydd Airport to the north and east. The parcel is set back from Romney Road by approximately 175–350 metres. Parts of the parcel are screened from Romney Road by existing tree planting and farm buildings, although the land is more open and exposed from the airport access road.

3.16. The parcel forms part of a flat, open landscape within the Romney Marsh Local Landscape Area. The land is identified as predominantly Grade 3 agricultural land under Natural England land classification maps, with small areas of Grade 4 land at the margins of the parcel. Most of the parcel falls within Flood Zones 2 and 3.

3.17. A public footpath crosses a small part of the southern edge of the parcel adjacent to the railway line. At its closest point, the parcel lies approximately 40 metres from the built confines of Lydd, separated by the railway line.

3.18. Jacques Court Farmhouse, a Grade II listed building, lies to the west of the parcel within the farm complex. The parcel also adjoins the Dungeness, Romney Marsh and Rye Bay SSSI on its south-eastern and north-western boundaries. At its closest point, it is approximately 230 metres from the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar sites and approximately 300 metres from the Dungeness Special Area of Conservation.

Parcel E

3.19. Parcel E comprises an area of approximately 44 hectares located on the east side of Dengemarsh Road. It is located immediately adjacent to the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar sites.

3.20. Parcel E comprises approximately 44 hectares of land on the eastern side of Dengemarsh Road. It forms part of a flat, open landscape within the Romney Marsh Local Landscape Area and lies immediately adjacent to the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar sites. The land is identified as Grade 3 agricultural land under Natural England land classification maps, other than a very small area of Grade 4 land at the edge of the parcel.

3.21. The parcel falls within Flood Zones 2 and 3. A public footpath crosses the northern part of the parcel. Dengemarsh Farmhouse, a Grade II listed building, lies beyond the southern boundary.

3.22. The remaining land within the application site comprises interconnecting cable corridors between the parcels, connections to the substation at the power station, and access routes between the development parcels and the public highway. This includes an access point from Guldeford Lane between Creek End and Knatchbull Cottages, close to the administrative boundary with Rother District Council, which would serve Parcel A.

3.23. The cable corridors to the Dungeness substation would cross through the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar sites, the Dungeness Special Area of Conservation, the Dungeness, Romney Marsh and Rye Bay SSSI and the Dungeness National Nature Reserve.

4. Proposal

4.1. The proposal is for a 500MW solar farm with associated infrastructure, including a Battery Energy Storage System (BESS). The details submitted for the consultation comprise 5 main land parcels (A-E) with interconnected areas totalling 1,208 hectares of land. The parcels would predominantly comprise of rows of solar panels mounted onto metal structures and spaced a minimum of 2.5 metres apart. In areas of flood risk, the proposed panels would be up to 4.5 metres high, in other areas up to 3.5 metres in height. The solar arrays are shown on the attached plans hatched in light green

colour and comprise the largest component of the development in land area. Further infrastructure would comprise:

a) **Substations** – Up to two substations may be required. These are required to step up the voltages of electricity generated by the development to be transported to the National Grid. Substation infrastructure includes transformers, switching and control equipment, control buildings, office, welfare and storage facilities. The substation footprint would be up to 60,000 sqm, up to 15 metres high, and, if required, a lightning protection mast would be up to 25 metres high. At this stage, substation location options are shown in Parcels A and C.

b) **Collector Compounds** – A main collector compound would be located next to the on-site substation and would be up to 7.1 metres in height with a footprint of up to 25,000 sqm. Satellite collector compounds would be located across Parcels A, B and C.

c) **Construction compounds** – At this stage it is anticipated that there would be 3 primary compounds and 6 secondary compounds located across separate parcels and would provide temporary storage, offices and worker facilities during construction.

d) **Battery Energy Storage Systems (BESS)** – the BESS would store electricity at times when demand is lower and release it to the National Grid when most needed. The BESS compound is being considered in Parcels A and C. The number of BESS units is yet to be determined, with a maximum height of 4.5m above ground level. Transformer and switchgear units would be required within the BESS compound with indicative heights of up to 6 metres above ground level.

   The substation and BESS indicative locations have been identified in response to a number of environmental constraints, including:

   - Sequential approach to flood risk and avoidance of Flood Zones 3/3b
   - A 300m minimum buffer from residential properties
   - Agricultural Land Classification results, avoiding areas of Best and Most Versatile agricultural land.
   - Avoidance of areas with potential for significant archaeological features
   - Ecological survey data to minimise impacts on sensitive habitats and notable species.

e) **Cables** – Underground cabling to connect each solar parcel before being stepped up for transmission to the National Grid is required. Cables would be installed in a trench up to 15 metres in width and 1.5 metres

depth. Trenchless methods would be used to cross sensitive areas, such as watercourses and roads.

f) Grid Connection route – A grid connection agreement is in place to connect to the National Grid Dungeness substation via underground cables buried at 1.5m depth. Trench widths would vary between 2-6 metres depending on whether the trench is in soil or shingle. Trenchless methods would be used under sensitive areas including watercourses and roads. Overhead line options have been removed due to impacts on environmental receptors, including vegetated shingle, impacts relating to bird strikes and important breeding / habitat locations.

g) Highway Works – Primary and secondary points of access including temporary access tracks during construction and permanent access tracks and access points for operation of the development.

h) Ancillary Works – this would include 6.5-metre-wide access tracks, underground low voltage cabling, use of deer fencing to enclose solar arrays and palisade fencing to substations and BESS compounds, CCTV and directional lighting.

i) Landscape and Ecology Areas – specific areas have been identified for landscape and ecology enhancements. These areas are shown in the solid darker green colour on the attached plans. Existing ditches, field margins, ponds and hedgerows are to be preserved where possible as part of the development.

4.2. The scheme has been amended following the Phase one consultation undertaken in September / October 2025. The amendments include –

- 20% reduction in developable area of site.
- 25% increase in land to be used for landscaping and ecology (now totalling 322 hectares).
- Removal of half of Parcel D and all of Parcel F to increase distance to Lydd
- Removal of land east of the disused railway line on Parcel C
- Parcel E to be managed for biodiversity with no above ground infrastructure.
- 9.3km of permissive walking routes proposed, to connect to the existing footpath network (shown by the blue dashed lines on the plans).
- Overhead lines to Dungeness substation discounted to reduce visual impact and shingle disturbance.
- Introduction of interconnecting cable corridor options
- Substation and BESS location options

4.3. The project timeline includes submission of the application to the Examining Authority in Spring 2027, Pre-examination in summer 2027, Examination in Autumn 2027 and a decision estimated in Summer 2028.

4.4. The supporting information states that if a DCO is granted, it is anticipated that construction of the development would be up to 48 months with an anticipated completion date of 2031 (officers note that this timeline does not tie in with the project timeline outlined above). Up to 600 staff would be employed during construction. The operational lifetime of the development is sought for 60 years, after which decommissioning would commence and the site returned to its original use.

4.5. The consultation incorporates a series of site plans, one showing the project in its entirety and other plans showing the parcels in more detail. The consultation also incorporates Preliminary Environmental Information (PEI) – the results of early assessment work undertaken on the project. The PEI is summarised as follows:

Volume 1 - Project Overview document

4.6. This provides further detail on key phasing, construction, operation and commissioning of the development and early mitigation components identified at this stage. It explains the need for solar farms and how the site has been identified for such use, the evolution of its design and illustrative masterplanning, including options for the positioning of substations and BESS units. It provides indicative timelines for the DCO process, summarises key design elements and sets out key next steps for the project.

Volume 2 – Environmental Topic Chapters

4.7. The PEI sets out that the assessments presented are preliminary at this stage. A full Environmental Statement will be submitted as part of the DCO application. This will include finalised indicative design details, result from ongoing surveys and further outline management plans to secure mitigation proposed as part of the development.

Chapters 1-4: Environmental Summary

4.8. This document summarises the environmental constraints and opportunities across the site and how environmental measures have informed the design. It details the Environmental Impact Assessment process and provides a series of technical topic-based chapters that identify the preliminary work undertaken to date to understand the likely significance of environmental effects arising at all stages of the proposal (construction, operation and decommissioning). It includes an overview of cumulative development identified at this stage and an overview of the Habitats Regulations Assessment (HRA) process. Some of the chapters are supported by technical appendices. It also includes a series of draft management plans for the development. A non-technical summary document is also provided.

4.9. Each chapter includes details of further assessment impacts being undertaken following the Scoping Opinion issued by the Planning Inspectorate, meetings held with key consultees and stakeholders and how feedback received during the phase one consultation has or is being taken into account.

Chapter 5 - Biodiversity

4.10. The PEI identifies the three internationally designated sites (Dungeness, Romney Marsh and Rye Bay SPA and Ramsar sites and the Dungeness Special Area of Conservation) that lie close to the site and overlap with it in places and identify the main qualifying features of these designations. It also identifies nationally designated sites of importance to biodiversity, including the Dungeness, Romney Marsh and Rye Bay SSSI and the Dungeness National Nature Reserve (NNR).

4.11. The proposed site incorporates approximately 51Ha of land within the Dungeness, Romney Marsh and Rye Bay SSSI and the document states that no above-ground infrastructure is proposed in these areas. Depending on the cable route chosen, there is potential for permanent loss or degradation of existing habitats along proposed cable routes within the Dungeness SAC and the SSSI which is identified as a potentially significant effect given the long-term recovery period of the vegetated shingle.

4.12. The PEI includes the methodologies for baseline surveys undertaken to inform the Ecological Impact Assessment, which will be submitted as part of the formal DCO application. Surveys undertaken include a Habitat condition assessment, breeding bird survey, non-breeding bird survey, bat activity survey, invertebrate scoping survey, badger survey and riparian mammal survey. Further survey work to be undertaken includes a river condition assessment, and great crested newt, macrophyte and aquatic invertebrates, fish habitat and reptile surveys.

4.13. The PEI identifies the potential for effects from construction impacts, lighting, and habitat fragmentation, although these are not expected to be significant.

4.14. Proposed mitigation includes:

- Buffer zones around sensitive receptors, including watercourses, hedgerows, trees, ponds and other habitat areas during construction.
- Construction works timed to avoid sensitive seasons for receptors, including nesting and breeding birds.
- Submission of an outline Construction Environmental Management Plan and an outline Landscape and Ecological Management Plan to manage impacts.
- Ongoing engagement with bodies such as Natural England, the Environment Agency and the RSPB.

Chapter 6 - Hydrology

4.15. The PEI assesses the potential impacts of the development on flood risk, surface water drainage and water quality, and water supply / wastewater infrastructure. It states that the proposals will be informed by a detailed Flood Risk Assessment and drainage strategy. It identifies that large parts of the site fall within Flood Zones 2 and 3 with a medium to high probability of flooding, predominantly from coastal / tidal flooding, although localised fluvial, surface water and groundwater risks are also present. Because of high groundwater, infiltration drainage is not proposed and surface water would need to be managed through attenuation and controlled discharge to water courses.

4.16. Consultation with the Environment Agency (EA), the Romney Marsh Internal Drainage Board (IDB), and the Lead Local Flood Authority (Kent County Council) is ongoing to assess the approach to flood risk and the content of the Flood Risk Assessment, including the extent of the study area. This will include flood modelling and climate change projections, and impacts on existing agricultural drainage systems, aquifers, safeguarded zones and groundwaters. Discussions include potential sea level rises through climate change during the operational lifetime of the development, breaches of tidal defences (including sensitive infrastructure such as battery storage), the location and maintenance of field drains, management of the water environment during both construction and operation, and water supply needs.

4.17. The PEI identifies a number of baseline conditions in assessing hydrology impacts:

- There are a number of main rivers, ordinary watercourses and ditches within the study area.
- There are existing and historic field and land drains below ground.
- A large Drinking Water Protection Area is located to the north of the site and within the study area (and within an indicative interconnecting cable route).
- Large areas of the site are located within Environment Agency mapped Flood Zones 2 and 3 and are at a medium to high risk of flooding from fluvial and tidal sources.
- The entire site is shown to be outside the tidal 1 in 200-year return period event defended scenario. The majority of the site is also outside of the flood extent during a defending scenario for the 1 in 200-year return period event with an NPPF allowance for climate change to the year 2115.
- Some areas of the site are shown to be at residual risk of flooding in a breach scenario for the 1 in 200 year plus climate change event. This is particularly the case for Jury’s Gap which affects the Jury’s Gut River.

- The majority of the site and study area are at very low risk of flooding from surface water. Small areas of high to low surface water flood risk are present across the site but are generally shown as localised ponding rather than surface water flow routes. Future flooding in the 2040-2060 scenario remains at very low risk.
- Affinity Water and Southern Water utilities are present in the study area.

4.18. The PEI identifies a number of proposed avoidance and mitigation measures:

- Minimum stand-off distances from main rivers and ordinary watercourses (10m) to be maintained within the project design.
- Watercourse crossings to be minimised. Justification given for any culverted crossings required.
- Cable crossings to be at depth below watercourses to be agreed with EA and IDB.
- Field and land drains to be identified through records where possible. Disruption avoided where possible, any damaged field drains to be replaced.
- Full assessment of flood risk to be contained within the FRA.
- Approach to flood risk and mitigation agreed with EA, LLFA and IDB
- Flood risk mitigation during construction and decommissioning to be set out within management plans.
- Setting of base height of solar panels
- Use of impermeable lining for drainage systems within areas deemed to have a contamination risk to groundwater (such as firewater runoff from BESS areas)
- Submission of a Water Framework Directive Assessment
- Management of surface water runoff during construction and decommissioning
- Surface water and fire water management strategies to be developed for operational phase.
- Use of temporary foul drainage measures during construction
- Submission of a foul drainage strategy during operation
- Systems to be designed to reduce on-site water demand. High level calculations of demand for all stages of development to be undertaken and discussed with water company to determine capacity to meet this demand.

4.19. The PEI assessment determines at this stage that there are no significant hydrological effects expected, once mitigation measures are put in place. As part of the hydrology assessment for the ES, a Water Framework Directive (WFD) Assessment will be prepared to evidence that the Project does not impact the status of water bodies in the area. A Flood Risk Assessment

(FRA) will be prepared to confirm design flood levels. Further drainage design work will also take place. Further engagement will also take place with the Environment Agency and the Romney Marsh Area Internal Drainage Board (RMAIDB) regarding the Project proposals, assessment approaches and watercourse easements.

Chapter 7 - Agricultural Soils

4.20. To date, 812ha of the site have been surveyed and the majority of the site is classed as Best and Most Versatile agricultural land, mainly grades 2 (51%) and 3a (32%). Grade 1 land makes up approximately 1% of the site area currently surveyed. Further surveys across the remainder of the site are ongoing. The two major factors that limit grading across the site are soil wetness and soil droughtiness. Widespread clay soils are imperfectly drained and limited to Grades 2 and 3a by wetness, whereas lighter sandier soils are limited to Grades 2 and 3a due to droughtiness.

4.21. Construction activities (topsoil stripping, cable excavation, machinery movement) are assessed as having a moderate adverse (significant) impact on soils. During operation of the solar farm, the soil structure is expected to improve under vegetation cover beneath the panels. This would result in a slight beneficial effect as soils would improve in structure as they are left to rest. At decommissioning stage, the site would be reinstated to pre-construction quality.

4.22. Proposed mitigation measures include.

- Location of hard infrastructure (BESS, substations) on lower-quality land where possible
- Development of an outline Soil Management Plan in consultation with Natural England.
- Development of a detailed Soil Management Plan to cover controlled topsoil and subsoil stripping, storage and reinstatement.

4.23. Further work includes completion of the Agricultural Land Classification Survey, a soil health assessment and development of an outline soils Management Plan in consultation with Natural England.

Chapter 8 - Cultural Heritage

4.24. The PEI is supported by a built heritage desk-based assessment. This identifies no designated heritage assets within the site boundary and 219 designated heritage assets within the wider study area. 172 non-designated archaeological assets have been identified within the site and 1026 non-designated heritage assets within the wider study area.

4.25. 49 known archaeological assets of up to medium importance are located within the site. The assessment identifies that the loss of buried

archaeological remains during construction (foundation piling, cable trenching, topsoil stripping) could be significant without appropriate mitigation but could be reduced through staged archaeological evaluation.

4.26. The assessment identifies the Grade I All Saints Church as a high-importance receptor.

4.27. Proposed mitigation measures include:

- Staged archaeological evaluation prior to construction, subject to consultation with relevant consultees including Historic England.
- Mitigation strategy to be agreed with Historic England, and KCC / East Sussex County Ecologists
- Additional landscape screening and hedgerow enhancement to reduce visual impacts on the setting of listed buildings in the vicinity of the site.

Chapter 9 - Landscape and Visual Impacts

4.28. The PEI identifies the national, county and district level landscape character areas relevant to the site. Potential significant adverse landscape and visual effects are reported at this stage during both construction and operation for multiple landscape character areas, including the Brookland Farms, Dungeness Shingle and Walland Marsh Farmlands landscape character areas. Construction effects are assessed as Moderate to Major Adverse (Significant) across several landscape character areas. Operational effects are assessed as significant for numerous receptors, including residents, users of the public rights of way network and visitors, particularly in the early years of the development before planting matures. Effects are assessed as reducing over time as planting matures, although some effects would potentially remain as significant given the scale and open nature of the landscape.

4.29. The extent of landscape impacts has been assessed using an initial search area of 5km from the site boundaries, including a series of Zone of Theoretical Visibility maps (ZTV). Theoretical visibility of the solar PV array becomes more fragmented beyond a 2km area from the boundary when taking into account existing built features and vegetation. There would be greater visibility of the substation due to its additional height and size, and there are no notable landform elements that would screen views towards the substation. Overall, the ZTV's demonstrate that areas where the project would be more visible are from open farmland in the immediate vicinity of the site boundaries and up to 2km. The project would be less visible beyond 2kms. Further analysis will be based on landscape conditions in summer and winter. Consultation will take place with the host authorities and other stakeholders (for example the Kent Downs National Landscape Unit) in developing the study area and assessment of impacts.

4.30. The PEI highlights the key characteristics of the landscape, being flat and open, defined by long horizons and expansive skies, with only subtle undulations. The landscape is also influenced by proximity to the Dungeness shingle foreland and coastal edge. Land use is dominated by intensive arable agriculture, with some grazing marsh, and dispersed rural settlements. Tree cover and vegetation is generally sparse and contributes to the open landscape. The presence of wind turbines, pylons, substations and the power station introduce visual and auditory disturbance. A number of public rights of way cross the site including National Cycle Network route 2.

4.31. Mitigation measures include:

- Removal of overhead line options for grid connection corridors
- Retention of existing landscape features and providing offsets to sensitive receptors, including a minimum 100m offset between the solar panels and residential properties, a minimum 300m between the substation / BESS and residential properties, 5m offset from existing hedgerows, 15m offset from individual trees, 15m offset from public rights of way to the closest solar panel and 10m offsets from watercourses and waterbodies.
- Some greater buffer areas and offsets have been introduced following feedback at phase 1 consultation stage.
- Incorporating new landscape buffers including buffer zones, grassland, meadows, trees and hedgerows to reduce visual effects, provide screening and biodiversity enhancements.
- Removal of above-ground solar infrastructure in parcel E which is now retained as ecological and landscape enhancement.
- Reduction in extent of solar panels around the Romney, Hythe and Dymchurch railway and roads that pass through or close to the site boundary.
- Creation of an outline Landscape and Ecological Management Plan, with a detailed plan to be developed through the DCO application.
- No visible lighting at site perimeter. Lighting at inverters used only in fault or emergency situations. Lighting at substation and BESS locations to be triggered and not permanently lit. Lighting to be fitted at a maximum height with cowls to prevent spillage.

4.32. The PEI sets out that detailed assessments will continue to be developed and a Landscape and Visual Impact Assessment will be submitted for all identified receptors across construction, Year 1, Year 15 and decommissioning for the project. The Environmental Statement will also include assessment of impacts from lighting and glint and glare from the solar panels, and will cross reference cultural heritage, archaeology and landscape / visual impacts where effects and mitigation may overlap.

<u>Chapter 10 - Transport and Access</u>

4.33. Key impacts are mainly related to the construction process rather than the operational stage of the development. HGV traffic during peak construction is predicted to exceed the 30% threshold for increase HGV movements, including the A2070 south of Ashford, the A259 at Brookland, the A259 south of Old Romney and the B2075. Overall traffic flows (cars + HGV's combined) remain with the 10% and 30% thresholds.

4.34. PROW users would be significantly affected during construction, although these will be temporary and managed via an outline Rights of Way and Access Strategy.

4.35. A Traffic Impact Assessment has been submitted. This identifies the following:

- Access points to the development parcels. Access to Parcel A will be from the A259. Access to parcel B will be via new junctions onto Romney Road. Access to Parcel C would be an existing access at Belgar Farm on Romney Road. Access to Parcel D would be via the Lydd airport access road. Access to parcel E (which is a mitigation parcel) would be via an existing agricultural access point on Dengemarsh Road.
- All construction materials will access the sites from the A2070.
- Access routes will be controlled via a Construction Traffic Management Plan.
- Peak construction traffic is assessed as being 472 daily movements on the network (230 car and LGV and 242 HGV trips).
- The highest expected peak total traffic movement increase would occur on the A259 at the site access for South Brooks A, with a total traffic impact of 5.7% compared to baseline traffic levels (being 230 car / LGV and 128 HGV movements).
- The highest increase in HGV traffic occurs on the B2075 at the access for South Brooks C with an increase in HGV traffic at peak of construction being 87.1% (71 additional daily HGV movements)

4.36. With a detailed Construction Traffic Management Plan and Abnormal Indivisible Loads management strategy, effects on road users are not expected to be significant.

4.37. Proposed mitigation includes:

- A draft Outline Construction Management Plan which has been published as part of this consultation to be refined and secured through the DCO application.
- An outline PROW and Access Strategy to be submitted as part of the DCO application to manage impacts on PROW users.

- Management measures to control the movement of abnormal loads, including advance route surveys, timing restrictions and escort vehicles.
- Construction traffic to avoid peak periods where possible and use routes that minimise passage through residential areas, as part of measures to be contained in the outline Construction Traffic Management Plan.

4.38. The PEI states that the applicant will continue to engage with the local highway authorities and Kent Police on traffic impacts and abnormal load routing.

Chapter 11 - Carbon and Climate Change

4.39. The PEI calculates that total lifecycle Greenhouse Gas emissions are estimated at 2.83 million tonnes of CO2 equivalent, primarily derived from the manufacture of solar PV modules and battery storage systems. The project is expected to generate approximately 680,000 MWh of electricity in its first year with a lifecycle carbon intensity less than 35% of the UK grid current average. Over 60 years, the project is estimated to save 5.4 million tonnes of CO2 equivalent compared with the UK grid average, and 10.2 million tonnes of CO2 equivalent compared with gas generation. Therefore, the project will effectively pay back its construction emissions within 7 years of operation compared to grid average.

4.40. The effects on carbon emissions are assessed as Significant Beneficial.

Chapter 12 - Noise and Vibration

4.41. The PEI identifies that background noise levels are low to very low, meaning that project-related noise will need to be carefully managed.

4.42. Piling for solar panel mounts is a potential source of vibration. A study distance of 100m has been adopted, beyond which vibration effects are unlikely. For construction and operational noise, a 300m study distance has been adopted as the zone in which effects could be significant. Operational vibration is not expected due to the characteristics of a solar farm.

4.43. With appropriate mitigation measures in place, no significant noise or vibration effects are anticipated.

4.44. Proposed mitigation includes:

- Minimum standoff distances of 300m between residential properties and noise-generating equipment.
- A Construction Environmental Management Plan to control construction noise, including hours of work, vehicle and plant management, and working methods to control construction noise.

- Localised acoustic bunding to be designed where required.
- Use of quieter plant specification.

4.45. Detailed noise modelling for construction, operation and decommissioning phases will be developed further and agreed with the local authorities together with noise mitigation measures, and included in the DCO submission.

Chapter 13 - Human Health

4.46. The PEI sets out that the project is expected to have positive effects on human health through its contribution to renewable energy, climate change mitigation and local employment.

4.47. Mitigation measures include:

- Landscape mitigation to reduce visual amenity impacts on residential properties.
- Public rights of Way and access measures to be secured.
- The BESS would have a self-contained design to control and contain firewater in the event of a fire. An outline Battery Safety Management Plan will be developed and submitted with the DCO application.
- Best practice pollution control measures to be included within the outline Construction and Environmental Management Plan to protect private water supplies from construction contamination.
- Operation of Dust and Noise Management Plans
- Provision of an outline Employment, Skills and Supply Chain Management Plan to promote local low-carbon jobs, and to support local vulnerable groups.

Chapter 14 - Socioeconomics

4.48. The project is expected to generate temporary employment during construction and permanent employment during operation, delivering positive economic benefits. Some displacement of agricultural employment is anticipated as farmland is taken out of production. Impacts on tourism and the visitor economy is a key consideration, particularly for communities such as Dungeness, Greatstone, New Romney, Lydd and Rye, where tourism forms a significant part of the local economy. The key tourist and recreational attractions identified are:

- The Romney Marsh landscape
- Rye
- Camber Sands
- The Romney Hythe and Dymchurch railway
- The Dungeness RSPB National Nature Reserve
- Rye Harbour nature reserve

4.49. Proposed mitigation includes:

- A draft Employment and Skills and Supply Chain Management Plan setting out how the project is aiming to maximise local employment and supply chain opportunities.
- Continued community engagement to understand and respond to socioeconomic concerns.

4.50. As part of the DCO application, a full socioeconomic assessment will provide further detail on net employment calculations (accounting for displacement and leakage), GVA estimates and a tourism impact assessment.

Chapter 15 - Air Quality

4.51. The PEI outlines that existing air quality in the study area is good, with air quality pollutant levels well below national objectives. Dust from construction and decommissioning activities in the primary effect, with potential to affect nearby sensitive receptors and ecological designated sites. BESS units would be separated a minimum 300m from sensitive receptors and will contain a number of safeguards to minimise fire risk. Any emissions in the event of a fire would be short lived and highly diluted and as such would be unlikely to exceed health-based air quality objectives.

4.52. Mitigation measures will include:

- An outline Construction and Environmental Management Plan to avoid, minimise and control dust emissions in accordance with guidance from the Institute of Air Quality Management
- Construction equipment to meet current emission standards.
- Construction compounds to be located a minimum 250m from sensitive receptors.
- An outline Battery Safety Management Plan will be included with the DCO application.
- The outline Decommissioning Management Plan would include measures for the decommissioning phase.

4.53. A detailed air quality assessment will be produced. Impacts on nearby ecological designated sites from dust and nitrogen deposition where relevant will be assessed at ES stage.

Chapter 16 - Land and Groundwater

4.54. The PEI outlines that groundwater sensitivity varies across the site – areas along some cable route options are of very high importance, meaning significant effects on groundwater quality are possible if contamination sources are introduced through earthworks or piling. The geological SSSI is a very high sensitivity receptor – earthworks during construction could cause a slight adverse effect on geological deposits, although this is assessed as not significant following mitigation.

4.55. Groundwater dependant ecosystems within the Dungeness, Romney Marsh and Rye Bay SSSI are at risk from contamination and changes to the groundwater regime.

4.56. Contamination risks and mineral resources have been scoped out on the basis that a Preliminary Risk Assessment demonstrates minimal contamination risk and that a Battery Safety Management Plan is in place. Potential significant effects are identified for groundwater, particularly along the eastern cable route corridor.

Mitigation measures include:

- The outline Construction and Environmental Management Plan, outline Operational Environmental Management Plan and the outline Decommissioning Environmental Management Plan would all include measures to protect land and groundwater from contamination.
- The outline Battery Safety Management Plan will address contamination risks from BESS units.
- Cable route selection will take into account lower groundwater sensitivity options where practicable.
- Piling and earthworks techniques to be managed to minimise changes to the groundwater regime.

4.57. As part of the DCO submission, the ES chapter will be updated following further design work on cable route selection. The Preliminary Risk Assessment will be finalised following consultation feedback. The outline Battery Safety Management Plan will feed into the assessment as part of the DCO application.

Chapter 17 - Cumulative Effects

4.58. The PEI sets out the approach methodology to assessing cumulative effects, in accordance with the Planning Inspectorate advice note. It includes the following key cumulative developments identified at this stage:

- South Kent Energy Park NSIP project
- Shepway Energy Park NSIP project
- St Mary in the Marsh Solar Farm – granted planning permission by FHDC in January 2026.
- Dungeness decommissioning project

4.59. The PEI sets out that the applicant is undertaking ongoing engagement with the above developers to identify potential constraints and opportunities to work together on matters such as traffic management, shared or complementary infrastructure requirements, overlap within proposed works plans and opportunities for ecological and landscape mitigation.

4.60. Further consultation will be undertaken with local authorities to agree the scope and methodology of the cumulative development list. This will be presented as a separate chapter in the ES at DCO submission.

Chapter 18 – Habitats Regulations Assessment (HRA)

4.61. The PEI sets out the need for a shadow HRA to be prepared and submitted due to the proximity of the project to European Designated Sites (The Dungeness, Romney Marsh and Rye Bay Special Protection Area and Ramsar, and the Dungeness Special Area of Conservation).

4.62. Stage 1 screening to determine whether there is a risk of the project having a likely significant effect on designated sites has been completed. As part of this process, consultation was undertaken with Natural England, the Environment Agency, the RSPB and the Kent Wildlife Trust.

4.63. The next stage will be to provide a report to inform an Appropriate Assessment, including further consultation with Natural England and relevant consultees. This will be presented as part of the ES.

Outline Construction Environmental Management Plan (CEMP)

4.64. This document sets out management methods to mitigate potential impacts during construction. A detailed CEMP would be submitted prior to any construction. It will be a requirement of the DCO that a detailed CEMP is approved to control construction.

4.65. The outline CEMP includes the following measures –

- Roles and responsibilities of project team
- Construction programme
- Details of construction activities – including site preparation, importation of materials, plant and equipment, establishment of construction compounds and welfare facilities, storage and capping of soil, management of waste, establishment of drainage systems, site access works, installation of bridges and culverts over watercourses and ditches, off site highway works, trenching, installation of horizontal directional drilling, testing and commissioning, and site reinstatement.
- Details of preliminary works
- Details of cable trenching
- Working hours – it is provisionally expected that core working hours would be 7am-7pm Monday – Friday and 7am-12pm Saturday, and no working on Sundays or bank holidays. Some limited overnight working may be required where operations cannot be paused.
- Site Compounds – three main compounds are proposed as well as up to 6 secondary compounds.

- Details of car parking
- Details of site security – including security fencing
- Details of construction lighting
- Management of environmental incidents and emergencies
- Control of noise
- Operation of construction traffic management and access routes.
- Protection of utilities
- Unexploded ordnance measures
- Site management
- Community liaison and external communication measures – including establishment of a community Liaison Group

4.66. The outline CEMP also includes a range of measures to control impacts relating to air quality, biodiversity, hydrology, landscape and visual impacts, land and groundwater, noise and vibration and heritage impacts.

4.67. Monitoring and reporting measures would be put in place, together with flexibility to update the CEMP if necessary to add further control measures throughout the construction period, only with agreement from the LPA.

Outline Construction Traffic Management Plan

4.68. This document sets out proposals for the management of traffic during construction, including access points, management of abnormal loads, HGV delivery hours, lane closures, construction traffic routeing, use of trackers to monitor HGV movements, a public reporting system, use of road sweepers, covered loads, wear and tear agreements, on-site parking, staff travel plans and establishment of a traffic management group.

Outline Employment Skills and Supply Chain Plan

4.69. This document provides a framework for a full Employment Skills and Supply Chain Plan. It includes a number of high-level proposals to provide opportunities including skills development, workplace opportunities and potential for businesses to engage in the supply chain.

Outline Landscape and Ecological Management Plan

4.70. This document proposes a landscape-led mitigation and enhancement strategy that seeks to integrate the solar farm within the Romney Marsh landscape while delivering significant habitat creation, ecological enhancement and biodiversity net gain. The document establishes a framework for long-term management and monitoring intended to minimise landscape and ecological effects and secure environmental improvements throughout the lifetime of the development.

5. Consultation

5.1. The Council is a consultee in this process. It does not undertake its own separate consultation. The applicant is responsible for identifying statutory and relevant consultees to engage in the process.

5.2. Officers have undertaken an internal consultation process and have also appointed consultants to provide advice on heritage and landscape impacts. The internal consultation responses are summarised below.

Environmental Health

5.3. Advise that the principal matters for consideration include impacts from construction and operational noise, dust and traffic, glint and glare, contaminated land, drainage, battery storage and effects on nearby residential amenity.

5.4. Noise (construction and operational) – No objection in principle is raised to the proposed noise survey methodology, monitoring locations or assessment approach. The distribution of monitoring locations is acceptable, targeting worst-case noise-sensitive receptors.

The following requirements and recommendations should be secured:

- The baseline survey should be sufficiently robust to capture representative conditions including any seasonal variations where relevant.
- The Environmental Sound Criterion derived must ensure protection of residential amenity at all identified receptors.
- Operational noise limits should be clearly defined and conditioned to prevent adverse impacts, including cumulative impacts where other renewable schemes are present.

Any rating penalties under BS4142 must be fully justified.

Where potential adverse impacts are identified, appropriate mitigation measures must be incorporated into the design and secured. These may include acoustic attenuation, strategic siting of plant away from sensitive receptors, use of low noise equipment and construction phase controls. A final mitigation strategy should be submitted and approved prior to commencement.

5.5. Air Quality – Air quality impacts are likely to be limited and principally associated with the construction phase, particularly from dust generation, earthworks, vehicle movements and other site activities.

5.6. Construction Impacts – During construction there will be a need to control noise and vibration, dust emissions and air quality impacts and construction traffic impacts. A Construction Environmental Management Plan should be

secured to include working hour restrictions, dust suppression measures, complaint management procedures and routing of construction traffic.

5.7. Glint and Glare – Solar farms can give rise to glint and glare impacts. Whilst typically assessed under landscape / visual impacts, there is potential for disturbance to residential receptors and road safety implications. A glint and glare assessment should demonstrate no significant impact on nearby occupiers.

5.8. Contamination and Land use – Given the scale and distribution of land parcels there is potential for previously contaminated land (from agricultural use, fuel storage, waste tipping etc), and risks to construction workers and controlled waters. A Phase 1 land contamination assessment should be provided with further investigation where required.

5.9. Drainage and Surface Water – Construction and operation of solar arrays can alter surface water runoff patterns. Environmental Health recommends appropriate surface water management systems, and avoidance of stagnant water (to minimise pest/vermin risks)

5.10. Battery Storage – an outline Battery Safety Management Plan should be secured to ensure appropriate safety measures are considered and implemented.

5.11. Other Considerations – any security lighting should be designed to minimise light spill to nearby receptors. Cumulative effects of other nearby infrastructure on amenity impacts should be considered.

Contaminated Land consultant

5.12. Chapter 16 (Land and Groundwater) makes reference to a Preliminary Risk Assessment but this has not been included with the PEI. We are unable to provide a robust opinion on land contamination matters without this. However given the nature of the proposed development and the summary provided, it is considered unlikely that land contamination impacts upon health would lead to significant effects that would warrant inclusion in the Environmental Statement. Nevertheless, there may be land contamination impacts that warrant management and mitigation during the project, which fall outside of the remit of EIA.

5.13. Measures to deal with contamination as part of the CEMP would seem to be a reasonable approach, however further consultation will be required as the CEMP develops.

Economic Development Officer

5.14. The proposal and potential cumulative impacts arising from similar solar proposals would pose risks to the rural economy and need for a long-term local legacy. Economic effects will impact several towns across the district,

particularly agricultural ecosystems and the visitor economy. The ES must rigorously evaluate the combined impacts of all three schemes and their compounded cumulative impact. This should address pressure on local road networks, the threat to the Marsh's tourism sector and the wider displacement of farmers and agricultural supply chains.

5.15. The Marsh and Dungeness rely heavily on eco-tourism and leisure. Replacing open historic landscapes with huge areas of panels and battery storage could severely damage the areas destination brand, which lots of businesses have worked hard to build.

5.16. Solar farms will yield a brief spike in construction jobs, although this is negligible for long-term operational employment. A binding Employment and Skills Strategy should be secured to prevent developers from relying solely on out of area specialist contractors, to ensure locals benefit from this. This should mandate local apprenticeships, green skills training and a "local first" procurement policy for supply chains.

5.17. Taking significant areas out of agricultural production will trigger a severe economic ripple effect across the district. Whilst the socioeconomic chapter notes that agriculture accounts for just 0.9% of local employment, this statistic obscures the true vulnerability of the local economy. The displacement of farmers directly threatens the wider agricultural ecosystem, jeopardising local contractors, machinery dealerships and suppliers etc. The Environmental Statement must look beyond isolated site boundaries and properly evaluate the risk associated with these interconnected farm holdings and supply chains.

5.18. 5.18 To offset localised disruption, a substantial, long-term Community Benefit Fund or a direct community compensation mechanism should be secured. While the exact structure requires further thought, options such as localised energy discount tariffs or targeted investments in rural digital infrastructure (such as broadband and Wi-Fi connectivity) to directly support affected residents should be explored.

5.19. Crucially, any funding or legacy agreements must align directly with host community regeneration priorities. A new Economic Strategy is being developed. Once finalised, this framework can be shared to help shape specific, high-impact projects that deliver tangible, long-term benefits to these communities.

Romney Marsh Partnership officer

5.20. The Environmental Statement must fully assess the cumulative economic impacts of the 3 solar farms and one of this scale across Romney Marsh, rather than considering each scheme in isolation. It is also important that the potential effects on tourism, local jobs, road infrastructure, agriculture, and wider rural supply chains are properly understood and mitigated. Any long-term legacy and community benefit should be meaningful, locally focused,

and aligned with regeneration priorities for the area through the Economic Strategy that is currently being developed. The visitor economy, agricultural sector, road network, and local employment opportunities are all vital to the Marsh's economy, and it is essential that they are not damaged because of these developments.

Landscape Consultant

5.21. The Council has employed a landscape consultant to review the landscape impacts. A high-level policy review of the PEI has been undertaken. Consideration should be given in the ES to all relevant policies, including demonstration of how the proposed development responds and remains compliant with each policy. The applicant should provide justification for any policies it considers not to be relevant for the proposed development. At present a number of development plan policies have not been considered or require evidence to demonstrate compliance.

5.22. Basic information has been provided on landscape and visual effects. However, there are still large gaps which need to be filled and improved which will need to presented within the final LVIA document. The methodology was missing from the PEI, which is a critical part of the LVIA, and which is needed to support the findings of the assessment. There are still key items like study area and cumulative sites which need further discussion with the Applicant. More receptors need to be added with a justification for their inclusion, and the assessment needs to be more detailed to outline the magnitude of effects, temporal changes and ultimately the likelihood of a significant effect arising during construction, year 1 and or year 15 to align with best practice. All figures and landscape mitigation plans need to be updated, and more detail provided as to the planting proposed to justify growth rates and capacity for the planting to mitigate potential adverse effects. Furthermore, information provided in the reports, figures, and LMP (landscape mitigation plan) needs to match with each other as there are currently some discrepancies.

5.23. The LVIA study area of 2km is not accepted. The parameters of the substation(s) would be considerably taller than the solar PVs. The screened ZTV still shows wide visibility to the north beyond 2km. A study area of 5 km is therefore required as the starting point for the LVIA, with full justification and accompanying ZTVs provided to clearly corroborate any subsequent reduction.

5.24. Viewpoint locations must be agreed with the LPA in advance of the ES submission. The number and type of visualisations to be agreed with the LPA.

Heritage Consultant

5.25. The Council has employed a heritage consultant to review the Cultural Heritage chapter of the PEI.

5.26. Methodology

- The study areas of 1km for physical remains and setting of non-designated heritage assets and 5km for the setting of designated heritage assets appear to be generally appropriate for the majority of heritage assets. However, no Zone of Theoretical Visibility has been provided to understand the likelihood of designated assets outside a 5km area being affected by the proposals. For example, the Cosway Monument is over 9kms to the north of the proposed scheme with designed views over a landscape which would include the proposed scheme.
- The methodology in Appendix 8.1 is generally acceptable but within each level of harm (substantial or less than substantial) the extent of harm should be clearly articulated.
- Further clarity is required in table 8.4 whether information relates to archaeology, built heritage or both.
- There is no information in Annex 3 of the Desk Based Assessment to enable an understanding of how the stage 1 settings assessment has been undertaken or why heritage assets have been included or discounted for assessment in the PEI. Further information is required.
- There is no information within Appendix 8.1 or the Cultural Heritage chapter of how a cumulative assessment would be undertaken. This is of particular importance given the other similar solar schemes coming forward which have the potential to change the setting of the same heritage assets.

5.27. Baseline Information

- A detailed Desk Based Assessment is provided. However, this focuses on archaeology and does not provide a clear understanding of the significance of built heritage assets including setting and historic relationships. No ZTC analysis or GPA3 setting assessment is provided with precludes the ability to comment on whether the baseline assets are proportionate.
- Setting assessments should use other LVIA tools to understand and appreciate impacts, ensuring that LVIA viewpoints include key heritage views and visualisations used to illustrate level of change. No LVIA viewpoints have been provided.
- There are no conservation areas or non-designated heritage assets in the list of assets scoped in for assessment in paragraph 8.5.7. There are also a number of designated heritage assets with potential for impact that are not included in the list. It is not clear how or why these have been discounted.
- The New Romney, Old Romney, Lydd and Dungeness Conservation areas should be included for assessment, unless there is clear

rational for scoping out. Other heritage assets should be considered in more detail including:

- Dungeness lighthouse and The Old Lighthouse
- Church of St Nicholas, New Romney
- Old Tomms, Dennes Lane
- Ruins of Midley Church
- The non-designated Romney, Hythe and Dymchurch railway

5.28. Impact Assessment

- Not enough information has been provided to enable detailed comments on the robustness of the impact assessment.
- There is not enough information in the tabulated impact assessment section of the PEI in regard to the significance of built heritage assets, in order to enable full understanding of these. The lack of information, whilst somewhat understandable at this stage, will need to be rectified to meet NPS policy requirements at submission stage.
- It is a concern that the landmark qualities of the Grade I listed All Saints church, Lydd have not been recognised across all areas and grid connections. An understanding of its setting and where it is appreciated from and to what extent this will change is required.
- No draft cumulative assessment has been undertaken for built heritage.

5.29. Mitigation Proposals

- These appear at an early stage with no embedded design mitigation in the PEI or shown on the mitigation features map.
- Mitigation regarding the impact of connection corridors and grid connections on heritage is unclear.
- The baseline and impact assessment is not current robust enough to fully understand mitigation requirements.
- A joined-up approach to mitigation should be taken e.g. where an area of land could be used for ecology, landscape and heritage mitigation by reinstating historic landscape character. It should also protect from mitigation for one environmental impact having an adverse impact on another – e.g. planting trees in key heritage views.
- It Is not clear whether public benefit opportunities are being sought in relation to heritage e.g. where there is potential to better reveal or enhance heritage assets, which could be through design development (creating new or strengthening existing views), or through interpretation.

Public/Neighbour Consultation

5.30. The applicant is responsible for undertaking consultation within the local community. Government advice on NSIPs is that the local authority should not carry out their own consultation about an NSIP project to avoid confusion about where feedback should be sent.

6. Planning Policy

6.1. The definition and basis for decision-making on NSIPs is set out in the Planning Act 2008. Sections 14 and 15 of the Act define generating stations that generate electricity from wind or directly from sunlight with a capacity of over 100MW as qualifying as an NSIP project. S104 of the Act states that in determining such applications, the Secretary of State (SoS) must have regard to the following:

- Any relevant National Policy Statement.
- Any duly submitted Local Impact Report.
- Any matters prescribed in relation to the development.
- Any other matters the SoS thinks are both important and relevant to the decision.

National Planning Statements (NPSs)

6.2. These statements set out government policy on different types of national infrastructure development. For the purpose of applications made under the Planning Act 2008, NPSs are the primary policy for the Secretary of State's decision-making. The following NPSs would be most relevant to the development.

Overarching National Policy Statement for Energy (NPS EN-1) (2025, in force from 6 January 2026)

6.2.1. EN1 sets out an overarching policy for energy. It sets out the general principles that should be applied in the assessment of development consent applications alongside the government's commitment to increasing renewable generation capacity. It specifies key government legislation and commitments to significantly reduce carbon emissions.

6.2.2. EN1 states that significant amounts of new large-scale energy infrastructure are required to meet government energy targets, and that the need for this is urgent. EN1 adds that wind and solar are the lowest cost ways of generating electricity and that a secure, reliable, affordable net-zero consistent system in 2050 is likely to be composed predominantly of this.

6.2.3. EN1 states that, in developing the necessary amounts of large-scale energy infrastructure to meet its energy objectives, this may not be without some significant residual adverse effects.

6.2.4. Part 4 of the NPS states that the SoS will start with a presumption in favour of granting consent to applications for energy NSIPs. It states that when weighing adverse impacts against its benefits, the SoS should take into account:

- Potential benefits, including the contribution to meeting net zero, energy infrastructure, job creation and environmental enhancements.

- Its potential adverse impacts, including on the environment, considering long term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts.

6.2.5. EN1 provides advice on how an application should assess various impacts relating to energy infrastructure and how the SoS should consider these in determining an application.

6.2.6. EN1 states that where residual adverse effects would remain, even following proposed mitigation measures, the SoS should weigh these against the benefits of the proposed development. For projects which qualify as Critical National Priority infrastructure – which includes renewable electricity generation - it states that it is likely that the need case will outweigh residual effects in all but the most exceptional circumstances, unless such impacts present an unacceptable risk to human health, public safety, defence, irreplaceable habitats or flood risk.

National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) (2025, in force from 6 January 2026)

6.2.7. EN3 is specific to renewable energy infrastructure. It states that together with NPS EN1, it will provide the primary policy for decisions by the SoS on applications for nationally significant renewable energy infrastructure.

6.2.8. Part 2.10 is specific to solar photovoltaic generation. It states that the UK has huge potential for solar power as a cost effective, versatile and effective technology, that solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation. They can be built quickly and may include associated infrastructure such as energy storage.

6.2.9. EN3 identifies factors that influence site selection and design, including irradiance and site topography, scale, connection to the national grid, proximity to dwellings, accessibility, public rights of way, security and lighting, land type and agricultural classification. It

provides advice on technical considerations including capacity of a site, site layout, design and appearance, project lifetime (an upper limit of 40 years is typical) and decommissioning.

6.2.10. EN3 identifies relevant impacts related to solar farms to be considered as part of the application and determination including: biodiversity, ecology, geological conservation and water management; landscape, visual and residential amenity; glint and glare impacts; heritage impacts; construction impacts, including traffic and transport; and noise and vibration impacts. It includes factors that the SoS should take into account in decision-making, when assessing site selection, technical considerations and impacts.

6.2.11. EN3 states that an upper project lifetime limit of 40 years is typical, although applicants may seek consent without a time period or for differing time periods of operation. It refers to solar PV farms as being temporary in nature.

(CPO comment - Members should note that any reference to the development as temporary is in the context of this NPS advice and to the time limited nature of the development, even though this is proposed for a 60-year operational period. There are precedents from other DCO decisions where impacts are acknowledged as being either temporary or reversible and weight given to this in the decision-making process).

National Planning Policy Framework December 2024, amended February 2025

6.3. The NPPF is a material consideration and provides relevant national planning policy context, although for this NSIP the primary decision-making policy framework will be the Planning Act 2008 and the relevant National Policy Statements. Officers have had regard to the advice in the NPPF.

Development Plan Policies

6.4. As a Host Authority, the council will submit a Local Impact Report (LIR) at the pre-examination stage of an NSIP application. This will identify local development plan policies (the current adopted plans being the Core Strategy Review 2022 and the Places and Policies Local Plan 2020) that are capable of being important and relevant considerations under S105(2)(a) of the Planning Act 2008.

6.5. The following development plan policies would be relevant to the South Brooks development -

Core Strategy Review 2022

Policy SS1 – District Spatial Strategy
Policy SS3 – Place Shaping and Sustainable Settlements Strategy
Policy CSD3 – Rural and Tourism Development
Policy CSD4 – Green Infrastructure
Policy CSD5 – Water and Coastal Environmental Management
Policy CSD8 – New Romney Strategy

Places and Policies Local Plan 2020

Policy HB1 – General Design Considerations
Policy NE1 – Enhancing and Managing Access to the Natural Environment
Policy NE2 – Biodiversity
Policy NE3 – Protecting the District's Landscapes and Countryside
Policy NE5 – Light Pollution
Policy CC6 – Solar Farms
Policy HW3 – Loss of Best and Most Versatile Agricultural Land
Policy HE2 - Archaeology

6.6. Policy CC6 is the most relevant, being explicitly for the development of new solar farms. The policy is set out in full below, with some commentary on the relevance of the criteria to the South Brooks development provided in italics.

The development of new solar farms, or the extension of existing solar farms, will only be acceptable where:

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1) The proposal does not have an adverse impact on the landscape character or have any adverse visual impact on the scenic beauty of the Kent Downs Area of Outstanding Natural Beauty, other sensitive local landscapes or Heritage assets: - **The applicant has consulted with the Kent Downs National Landscape Unit as part of the consultation process. Landscape and Heritage impacts are discussed further in the appraisal section below.**

2) The proposal does not result in the direct loss of amenity to nearby residential properties by virtue of glare or other disturbance; - **Officers have highlighted that a glint and glare assessment is required.**

3) Any necessary ancillary building works are minimised so as not to adversely impact on the character of the surrounding area; Some preliminary details have been provided. **Some preliminary details**

have been provided as set out in the description of development above. This is discussed further in the appraisal section below.

4) There are no adverse ecology impacts arising from the development; - The application will include detailed ecology assessments to identify the extent of impacts. **Kent County Council and Natural England are statutory consultees in the process and will assess these impacts. The applicant has also consulted with the RSPB, Kent Wildlife Trust, CPRE Kent, The Dungeness National Nature Reserve, the Romney Marsh Countryside Partnership, Southern Counties Birding and Wildlife, the Dungeness Bird Observatory, the Kent Ornithological Society, the Kent Biodiversity Partnership and the Kent Bat Group.**

5) A suitable landscaping and screening strategy is included with the application: **Preliminary details have been provided. This is discussed further in the section below.**

6) The solar panels and supporting frames are finished in an appropriate colour to minimise visual impact; **This will be discussed with the developer.**

7) The solar panels are removed when no longer operational; - **Decommissioning of the development will form part of the Development Consent Order (if granted).**

8) The consideration of the need for and impact of, security measures such as lights and fencing, are included in the application; **The application identifies the need for lighting and fencing both and construction and operational stage. Some preliminary reference to lighting and fencing has been made. The details and extent of this would be expected as part of the formal application. This is discussed further below.**

9) The proposal clearly indicates the installed capacity (MW) of the proposed facility: **This is specified in the consultation material provided by the applicant.**

10) The solar farm will not result in the loss of the best and most versatile agricultural land. **The proposal will result in the loss of BMV land, and this is discussed further in the appraisal section below.**

6.7. Where a relevant local plan policy and designated NPS policy are in conflict, there is a presumption in favour of the NPS policy when the Secretary of State makes the decision.

National Planning Policy Guidance (NPPG)

6.8. The following guidance is directly relevant to the Council's response at this pre-application stage. It should be read alongside the National Planning Policy Framework and the relevant National Policy Statements, noting that this proposal is an NSIP and will be determined through the Planning Act 2008 process.

Renewable and low carbon energy. The PPG advises that increasing energy from renewable and low carbon technologies helps to secure energy supply, reduce greenhouse gas emissions and stimulate investment in new jobs and businesses. It states that planning has an important role in delivering renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. The PPG also makes clear that all communities have a responsibility to help increase the use and supply of green energy, but that this does not mean the need for renewable energy automatically overrides environmental protections or the planning concerns of local communities. Those local concerns must be properly heard where they directly affect communities.

For this proposal, the PPG supports the general need for renewable energy generation, but it also supports the Council's approach of requiring the applicant to demonstrate that local environmental impacts, including landscape, visual, heritage, ecology, flood risk, agricultural land, residential amenity and cumulative impacts, have been properly assessed, avoided where possible and mitigated where necessary.

The PPG explains that renewable and low carbon energy development above 50MW is considered by the Secretary of State under the Planning Act 2008, with the local planning authority acting as a statutory consultee. This reinforces the Council's role at this stage: to identify local planning impacts, request further assessment and mitigation, and reserve its final position until a complete DCO application and Environmental Statement are available.

Climate change. The PPG advises that, in addition to supporting appropriately sited green energy, effective spatial planning is an important part of responding to climate change because it can influence greenhouse gas emissions and improve resilience to climate change impacts through the location, mix and design of development. It also advises that protecting the local environment should be properly considered alongside the broader issue of protecting the global environment.

Natural environment, agricultural land and soils. The PPG advises that Agricultural Land Classification should inform choices about the future use of farmland within the planning system. It defines Best and Most Versatile agricultural land as Grades 1, 2 and 3a and states that planning policies and decisions should take account of the economic and other benefits of such land. It also advises that soil is an essential natural capital asset, providing important ecosystem services including food production, carbon and water storage, biodiversity and pollution buffering.

For this proposal, the PPG supports the Council's concern that the scale and duration of the loss of Best and Most Versatile agricultural land must be fully assessed. The applicant should complete the Agricultural Land Classification survey, justify the use of higher quality agricultural land where proposed, assess effects on farm holdings and soil resources, and explain how soil handling, storage, restoration and long-term protection would be secured.

Flood risk and coastal change. The PPG defines flood risk as a combination of the probability and potential consequences of flooding and advises that areas at risk include those at risk from any source, now or in the future. Sources include rivers, the sea, direct rainfall, groundwater, overwhelmed sewers and drainage systems, reservoirs, canals and lakes and other artificial sources, as well as interactions between these sources.

For this proposal, the PPG supports the Council's requirement for a robust Flood Risk Assessment, drainage strategy and climate change assessment. Given the extent of land within Flood Zones 2 and 3, the presence of ordinary watercourses, historic agricultural drainage systems and groundwater sensitivity, the applicant should demonstrate that the scheme would not increase flood risk, would maintain drainage connectivity, would address climate change allowances and would secure appropriate surface water, groundwater and firewater management throughout construction, operation and decommissioning.

Noise. The PPG advises that noise is relevant to planning where development may create additional noise or where development would be sensitive to the prevailing acoustic environment. It states that good acoustic design should be considered early in the planning process so that appropriate and cost-effective solutions can be identified from the outset. Decision-making should consider whether significant adverse or adverse effects are likely to occur and whether a good standard of amenity can be achieved, including during construction where relevant.

For this proposal, the PPG supports the Council's request for robust baseline surveys, operational noise limits, construction noise controls and cumulative noise assessment, particularly given the low background noise environment,

the proposed BESS, substations, inverters, construction compounds and construction traffic.

Biodiversity net gain. The PPG explains that biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact on biodiversity. Under the statutory framework, the biodiversity gain objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat, subject to any applicable exemptions, transitional arrangements and the specific regime applicable to the consenting route.

For this proposal, the applicant should clearly explain how biodiversity gain and ecological enhancement will be delivered, measured, secured, managed and monitored, and how this relates to the HRA, SSSI/SAC/SPA/Ramsar constraints, cable route impacts, landscape mitigation and long-term management of Parcel E and other proposed enhancement areas.

Supplementary Planning Guidance/Documents

- The Shepway District High Level Landscape Appraisal

6.9. The following are also material considerations to the determination of this application.

- The FHDC Climate and Ecological Emergency declaration on 24th July 2019.
- The FHDC District-Wide Carbon Strategy 2026

7. APPRAISAL

7.1. The purpose of this report is to provide the Council's response to the formal pre-application consultation under s42 of the Planning Act 2008 (as amended).

7.2. This is not yet a formal DCO application, and members will note that the information provided is at a preliminary stage, with further assessments and information to be undertaken.

7.3. When the DCO application is submitted, the Council will be invited to make formal written submissions through the pre-examination stages of the process, primarily through the submission of a Local Impact Report and "Relevant Representations" on the planning merits of the proposal, and it is at this later stage that the Council would set out where it supports or does not support the application, and what it considers the issues and effects to be.

7.4. Nonetheless, this formal consultation does give the Council the opportunity to provide a steer on its position in relation to some key principles, details, impacts and mitigation and any amendments that the applicant should consider.

7.5. Government advice is that pre-application is the stage where issues can be identified and resolved and/or amendments sought, as it becomes much more difficult to make changes once an application has been submitted and accepted for examination.

7.6. Government advice is that where a proposed NSIP development is amended in light of consultation responses, unless those amendments materially and substantially change the proposed application or materially changes its effects as a whole, the amendments themselves should not trigger a need for further consultation. The amendments can be reported as part of the consultation report submitted with the application. Only where the project taken as a whole changes very significantly and to such a large degree that what is being taken forward is fundamentally different from what was previously consulted upon should re-consultation on the application as a whole be considered.

7.7. For any material change to a part of the proposed application where the project as a whole is not fundamentally changed, a bespoke and targeted approach to further consultation can be adopted, which can address the specific consultation obligations arising proportionately. Targeted consultation can be statutory or non-statutory.

7.8. The applicant has made clear that they will continue to engage with the Council beyond this formal consultation stage and prior to submission of the DCO application.

7.9. The assessment below covers the following:

a) The principle of the proposed development.

b) The potential environmental effects and other issues that the Council wishes to highlight on the current proposals based on the information provided.

a) The principle of the proposed development

7.10. Paragraphs 6.2.1-6.2.11 above summarise the national policy position for nationally significant energy projects. These policies state that:

- There is an urgent need for large scale renewable energy infrastructure in order to provide energy security and to significantly reduce carbon emissions.

- That wind and solar are the lowest cost ways of generating electricity.

- That the UK has huge potential for solar power, that solar farms are one of the most established renewable electricity technologies in the UK, the cheapest form of electricity generation and can be built quickly.

- That the development of large-scale energy infrastructure may not be without some significant residual adverse effects. Where adverse effects would remain, these should be weighed against the benefits of the proposal. For critical national priority infrastructure, the need case will outweigh residual effects in all but the most exceptional circumstances, unless such impacts present an unacceptable risk to human health, public safety, defence, irreplaceable habitats or flood risk.

7.11. The NPPF requires the planning system to support the transition to a low carbon future, including supporting renewable and low-carbon energy and associated infrastructure, while ensuring that adverse impacts are addressed appropriately, including cumulative landscape and visual impacts.

7.12. The NPPF also provides that decision-makers should give significant weight to the benefits associated with renewable and low-carbon energy generation and the proposal's contribution to a net zero future, while still assessing site-specific harm and the adequacy of mitigation.

7.13. Policy CC6 of the Council's Local Plan (see paragraph 6.6 above) permits the development of new solar farms, subject to meeting various criteria relating to landscape, heritage, residential, ecology impacts and avoiding the loss of best and most versatile land.

7.14. It is clear from the above that the Government has committed to sustained growth in solar capacity in the UK to ensure net zero emissions can be met and that solar is a key part of the strategy for low-cost decarbonisation of the energy sector. The NPSs support the principle of large-scale solar photovoltaic generation while recognising that developments of this scale can have significant impacts, particularly where they are located within rural areas.

7.15. In addition, local plan policy, the Council's Climate Emergency declaration and its Carbon Strategy recognise the need for renewable energy generation, subject to careful assessment of adverse impacts and appropriate mitigation.

7.16. Given the clear national policy support for renewable energy and the urgent need for low-carbon electricity generation, the Council should not object in principle to renewable energy generation. However, the Council reserves its position on the acceptability of this specific scheme. The scale, location and duration of the proposal have the potential to cause significant local impacts, and the applicant must demonstrate through the DCO application,

Environmental Statement, Habitats Regulations Assessment and secured mitigation that those impacts have been avoided, minimised, mitigated or compensated for as far as practicable. These matters are considered in the following section of this report.

b) The significance of potential environmental effects and extent to which these could be reduced or mitigated.

7.17. Officers consider that the topics identified in the PEI adequately cover the broad range of impacts to be assessed as part of the development. These are considered below in the same order as set out in the PEI.

Biodiversity

7.18. NPS-EN1 advises that the ES should clearly set out effects on internationally, nationally or locally designated sites of ecological or geological conservation importance, protected species and habitats. The applicant should show how the project has taken opportunities to conserve and enhance biodiversity. As a general principle, development at the very least should aim to avoid significant harm to biodiversity and geological conservation interests, and where significant harm cannot be avoided it should be adequately mitigated. In taking decisions, the Secretary of State should ensure that appropriate weight is attached to designated sites of international, national and local importance, protected species and habitats.

7.19. The PEI identifies the key international, national and local ecological designations within and surrounding the site, most notably the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar sites, the Dungeness SAC, the Dungeness, Romney Marsh and Rye Bay SSSI and the Dungeness National Nature Reserve.

7.20. Although 51 hectares of the site are within the SSSI, this would not house any above-ground infrastructure. Areas of the SPA, Ramsar, SAC, NNR and SSSI are under consideration for underground cabling options. Potentially significant effects have been identified in relation to construction of the cable routes and on temporary land take and habitat degradation during construction of the project. Mitigation and management of these impacts is proposed. The PEI also identifies a range of species surveys undertaken or to be undertaken as part of ongoing work on the project. Biodiversity enhancements are proposed, including Biodiversity Net Gain.

7.21. The ecological significance of this part of the Romney Marsh forms a key component of the area, tying in with other key characteristics including the remote, tranquil and open landscape characteristics.

7.22. Natural England, Kent County Council, the Environment Agency and the RSPB have all been consulted on the proposals as either statutory consultees, relevant technical consultees or host authorities. Their specialist

advice will be important. However, the Council considers that the proximity of the scheme to internationally and nationally designated ecological sites, and the potential effects of cable routes and construction activity, are key unresolved matters. The applicant must demonstrate through the ES and HRA process that adverse effects can be avoided or, where appropriate, fully mitigated or compensated, and that the mitigation proposed is deliverable, enforceable and secured for the lifetime of the development.

Hydrology

7.23. NPS EN-3 states that where a Flood Risk Assessment has been carried out, this must be submitted alongside the applicant's ES. This will need to consider drainage impacts. It states that as solar PV panels will drain to the existing ground, the impact will not, in general, be significant. Permeable access tracks should be used and localised SuDS such as swales and infiltration trenches should be utilised to control any runoff where recommended. Given the temporary nature of solar farms, sites should be configured or selected to avoid the need to impact on existing drainage systems and watercourses – this should extend as far as ensuring no overall change in the natural water flows. Culverting existing watercourses and ditches should be avoided. Where culverting is unavoidable, applicants should demonstrate that no reasonable alternatives exist.

7.24. The PEI identifies the potential impacts of the development on flood risk, surface water drainage and water quality, and water supply / wastewater infrastructure. Much of the site falls within flood zones 2 and 3. Work remains ongoing and in discussion with the Environment Agency, Kent County Council (as the lead local flood authority) and the Romney Marsh Internal Drainage Board – all of which are either consultees or a host authority in the process.

7.25. It is recognised that Members and the local community have expressed concern regarding flood risk, drainage, groundwater and watercourse impacts. The Council considers these to be key unresolved matters. Although the Environment Agency, Kent County Council as Lead Local Flood Authority and the Romney Marsh Internal Drainage Board will provide specialist technical advice, the applicant must demonstrate that the scheme would not increase flood risk, would not adversely affect existing agricultural drainage systems or watercourses, and would include robust arrangements for surface water, groundwater and firewater management during construction, operation and decommissioning.

7.26. The PEI identifies the presence of historic agricultural drainage systems across the site (as previously raised by the local community) and the need to address impacts and mitigation in consultation with relevant consultees.

7.27. The effect of runoff from solar panels, impermeable or compacted areas, access tracks and construction compounds should be expressly assessed in the ES and the Flood Risk Assessment. The assessment should explain how

existing drainage patterns, field drains and watercourse connectivity would be maintained and how any necessary mitigation would be secured.

Agricultural soils

7.28. The National Policy Statement for Renewable Energy Infrastructure (EN3) states that:

> *"While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible."*

7.29. Therefore, whilst NPS-EN3 does not prohibit the development of ground mounted solar arrays on BMV land, the impacts of such are expected to be considered. The NPS states that the Secretary of State should take into account the economic and other benefits of the best and most versatile agricultural land and should ensure that the applicant has put forward appropriate mitigation measures to minimise impacts on soils or soil resources.

7.30. The Agricultural Land Classification report submitted with the consultation identifies that from the area of the site currently surveyed (812 hectares of a total 1208 hectares), 84% is classed as best and most versatile agricultural land (i.e. land classified as Grade 1, 2 or 3a agricultural land). This is set out in the table below.

Land Grade from surveys to date	**Quantity**	**Area %**
1 (BMV land)	8 ha	1%
2 (BMV land)	414 ha	51%
3a (BMV land)	256 ha	32%
3b (Not BMV land)	124 ha	15%
4 (Not BMV land)	10 ha	1%
Total	812 ha	100%

7.31. The development would therefore result in the loss of best and most versatile agricultural land. Whilst such loss would be temporary insofar that

the consent would be of finite timescale and reversible, it would remove agricultural land from production for a period of 60 years.

7.32. A number of NSIP examinations for solar farm developments nationally have included the loss of BMV land as a material consideration in the decision-making process. Leading cases include the following (although all were ultimately granted).

- One Earth Solar Project – the loss of 244.8 hectares of Grade 2 land and 416.1 hectares of grade 3a land (representing 53.2% of the land area) across a total site of 1,240 hectares and for a period of 60 years was considered to result in a significant adverse effect on BMV land and moderate adverse weight was given to this in the planning balance, although the urgent need for renewable energy was deemed to outweigh this harm.

- Sunnica Energy Farm - the loss of approximately 37Ha of BMV land (overall site area of 981 hectares) was given slight negative weight in the planning balance.

- Oaklands Farm Solar Park – the loss of 123Ha of Grade 2 and 3a BMV land (overall site area of 191 hectares) was given little negative weight in the overall planning balance.

- Mallard Pass Solar project – the loss of 360 hectares of Grade 2 and Grade 3a BMV land (overall site area of 852 hectares) was afforded little weight in the planning balance.

7.33. Whilst the loss of BMV land may not be decisive on its own, there are some key points to highlight in respect of the South Brooks scheme compared to the developments referred to above –

- The lifetime of the South Brooks solar farm is specified as 60 years, after which the land would be returned to agricultural use. In relation to the lifespan of a solar farm, NPS 3 states that:

  “an upper limit of 40 years is typical, although applicants may seek consent without a time-period or for differing time-periods of operation”.

  In the case of the Sunnica and Oaklands Farm decisions, these were based on a 40-year period. However, Mallard Pass and One Earth were granted with a 60-year operational lifetime. Nonetheless a 60-year operational lifespan would remove the land from productive agricultural use for a significantly longer period than a 40-year lifespan.

- The detailed ALC surveys have not been completed for South Brooks and the total area of BMV land within the site is likely to increase further still. This is likely to represent a much greater area of BMV land removed from agriculture than the schemes referenced above.

- The South Brooks scheme is most comparable to the One Earth case above in terms of scale and quantity of BMV land. However the South Brooks scheme would result in the loss of a much greater quantum of Grade 2 agricultural land.

- The cumulative impact of the development, together with the other NSIP solar farm proposals, has not yet been fully assessed in relation to Best and Most Versatile agricultural land.

- It is unclear whether effects on agricultural land go beyond the boundaries of the site. For example, if significant areas of land are removed from farms through the development, are there smaller remaining areas within the farm holding and would these remain viable for farming?

7.34. Overall, the loss of BMV agricultural land is a key concern for the Council. While national policy and previous NSIP decisions indicate that such loss may not be determinative on its own, the scale of the loss including significant Grade 2 agricultural land, the proposed 60-year operational period, the concentration of high-quality agricultural land on Romney Marsh, and the potential cumulative effect of other solar NSIP proposals mean that this matter should attract clear negative weight and be fully assessed in the ES. The applicant must demonstrate why the use of this land is necessary, how poorer quality land has been preferred where possible, and how soil resources and agricultural impacts would be mitigated and secured.

7.35. To consider these effects further, the applicant should:

- Complete and share the final version of the ALC with the Council

- Assess the loss of BMV land against District, County and National levels.

- Provide further information on the farm holdings subject to the proposals and assess whether any remaining agricultural land within the control of a farm holding but outside the site area can still be viably farmed.

- Assess the cumulative impacts of the loss of BMV land arising from the South Kent Energy Park and Shepway Energy Park.

<u>Cultural Heritage</u>

7.36. National planning policy contained within NPS EN-1 sets out the matters to be considered in the assessment of any likely significant heritage impacts. It states that the construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment above, at, and below the surface of the ground.

7.37. NPS EN-3 confirms that large scale solar proposals may affect heritage assets (sites, monuments, buildings, and landscape) both above and below ground, and their impacts will require expert assessment in most cases.

7.38. The PEI includes a chapter on cultural heritage and a desk-based Heritage Assessment. In addition, heritage is cross referenced in a number of other chapters (for example landscape and visual impacts). Below ground heritage would be subject to advice from Kent County Council, and Historic England are also a statutory consultee in the process.

7.39. Heritage comments from the Council's consultant are reported in paragraphs 5.24–5.28 above. In summary, there is not enough information in the PEI to be confident that the built heritage assessment is robust, proportionate and fully informed for the purposes of the Environmental Statement.

7.40. This is of concern not only assessing the significance of heritage impacts, but also, to be confident that the correct mitigation has been put in place to avoid and/or reduce impacts to the historic built environment.

7.41. The applicant should address these concerns through further engagement with the Council and its heritage adviser prior to submission of the DCO application. This should include:

- A fully informed baseline using Zones of Theoretical Visibility and the Historic England Good Practice Advice note 3 staged approach.
- A more detailed and iterative built heritage impact assessment
- A more informed approach to avoidance and mitigation
- The potential for public benefits to be included in the scheme (for example, better revealing the setting of an asset or heritage interpretation).

<u>Landscape and Visual Impacts</u>

7.42. NPS – EN1 states that virtually all nationally significant infrastructure projects will have adverse effects upon the environment, but there may also be beneficial landscape character impacts arising from mitigation. Outside nationally designated areas, there are landscapes that may be highly valued locally. Where a local development document has policies based upon landscape character assessment, these should be paid particular attention. However locally valued landscapes should not be used in themselves to

refuse consent, as this may unduly restrict acceptable development. All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites.

7.43. NPS-EN1 states that solar farms are likely to be in low lying areas of good exposure and as such may have a wider zone of visual influence than other types of onshore energy infrastructure. However, whilst the development may cover a significant surface area, in the case of ground-mounted solar panels it should be noted that with effective screening and land topography, the area of a zone of visual influence could be appropriately minimised. Landscape and visual impacts should be considered carefully at pre-application. Applicants will be expected to direct considerable effort towards minimising the landscape and visual impact of solar PV arrays.

7.44. The site is almost entirely located within the Romney Marsh Local Landscape Area. The site would fall across three landscape character areas in the Shepway High-Level Landscape Appraisal (2017) – Brookland Farmlands, Walland Marsh Farmlands and Dungeness. All are assessed in the landscape appraisal as having high levels of landscape sensitivity, particularly Dungeness. The landscape is generally flat and open, with limited vegetation. Long range views are available in many areas. These are common characteristics of the landscape character areas, defined as highly representative of the Romney Marshes National Character Area. The flat agricultural and pastoral landscape defined by ditches is considered to have a rare and distinctive character within England, and the habitats and character of the Dungeness LCA are an exceptionally rare characteristic. The application site is also crossed by a large number of public footpaths and some roads, and in close proximity to a number of residential properties.

7.45. The PEI on landscape and visual impacts is supported by a high-level appraisal of landscape effects, likely receptors, sensitivity and anticipated magnitude. The appraisal states that these initial judgements will be subject to change following detailed assessment and additional mitigation measures.

7.46. The PEI outlines a number of anticipated effects during the construction and operational phases of the proposal to landscape character and visual impacts, a range of likely receptors who would experience these effects (residents, visitors, PROW users, and road users) and the magnitude of likely effects, which range from major adverse to no effect.

7.47. The PEI chapter, landscape appendix and the outline Landscape and Ecological Management Plan have been reviewed by the Council's landscape consultant. Whilst basic information has been provided there are still large gaps which need to be filled and improved which will need to be presented within a Landscape and Visual Impact Assessment document (LVIA). From the information provided, the landscape consultant has identified that a range of matters, including relevant policies, the methodology for assessing the LVIA, the extent of the study area,

visualisations and viewpoints, visual effects, extent of receptors and cumulative sites requires further assessment and discussion with the LPA.

7.48. In the absence of a full LVIA, it is not possible to reach a final view on the significance of the landscape and visual effects. However, the Council considers that adverse landscape and visual effects are likely to arise, including potentially significant effects, given the scale of the proposal, the open and expansive character of Romney Marsh, the proximity of public rights of way and roads, and the height and scale of associated infrastructure. Notwithstanding the absence of an LVIA to establish the extent and magnitude of impacts, the following adverse impacts have been identified at this stage:

- The siting of solar arrays in close proximity to areas of the road network, including Midley Wall and Romney Road. It is recommended that the solar arrays on the north side of Midley Wall are removed, and that the arrays on the south side of Midley Wall and on Romney Road are set back considerably further from these roads to minimise impacts.

- Potential larger infrastructure (substations, BESS) on parcel C is likely to have significant visual impacts experienced by a large number of receptors due to its close proximity to the settlement edge of New Romney.

- The extent to which screening can be successfully integrated into the landscape as mitigation, given the key open characteristics of the landscape as set out in national, county and local landscape assessments.

- The effects of glint and glare on the landscape

- The extent to which harm to visual outlook from the public rights of way network can be minimised and mitigated, given the open and expansive character of the landscape.

7.49. The Council therefore requires further engagement on the LVIA including methodology, study area, viewpoints, visualisations, receptors, cumulative schemes and mitigation strategy before submission of the DCO application. The ES should clearly identify any residual significant effects and explain why the proposed mitigation is capable of being delivered and maintained over the lifetime of the development.

Transport and Access

7.50. The PEI identifies the main transport routes to be used to carry construction traffic, those being the A2070, the A259 and Romney Road. At its peak, the development is predicted to add 472 daily movements on the network (230 car and LGV and 242 HGV trips). As the local highway authority, Kent

County Council have been consulted on the proposals. Officers would defer to KCC to advise on the robustness of the Transport Assessment provided and likelihood of traffic impacts arising from the scheme, and any mitigation measures required. However, it is noted that the Transport Assessment refers to a construction period of 24 months whereas other parts of the PEI refer to a construction period of up to 48 months. The applicant should clarify the construction programme and explain whether a longer construction period would alter the assessment of traffic, HGV movements, public rights of way disruption and cumulative construction effects.

7.51. The proposed solar farm at South Kent Energy Park would be located immediately adjacent to the South Brooks site, and as such would use a similar road network. Likewise, the Shepway Energy Park would be likely to use the A2070. The cumulative impact of construction traffic relating to these sites must be considered as part of the Environmental Statement.

7.52. Indicative access points into the development have been provided –

Parcel A – From the A259, in two potential locations. Access point 1a would potentially be located very close to existing dwellings and the Grade II listed radar station receiver site. Officers would raise concern about the suitability of this access given its proximity to the above.

Parcel B - via new junctions onto Romney Road. These appear to be acceptable subject to adequate distance being maintained to Caldecott Farm.

Parcel C – via an existing access at Belgar Farm on Romney Road

Parcel D - via the Lydd airport access road.

Parcel E (mitigation land) - via an existing agricultural access point on Dengemarsh Road.

7.53. Traffic during the operational lifetime of the development would be low. Officers agree that this would be unlikely to cause any material impacts.

Carbon and Climate Change

7.54. The introduction to NPS-EN3 summarises that electricity generation from renewable sources is an essential element of the transition to net zero, and meeting targets for the statutory carbon budget. Analysis suggests that electricity demand will significantly increase over coming years and could more than double by 2050. The Government has committed to all electricity coming by low-carbon sources whilst meeting a 40-60% increase in demand.

7.55. The PEI identifies that the proposal would deliver significant beneficial impacts through a reduction in carbon emissions compared to UK Grid and gas turbine-generated electricity emissions.

7.56. Data is provided on Greenhouse Gas (GHG) savings of 5.4 million tCO2e compared to the UK Grid emissions and 10.2 million tCO2e when compared to Combined Cycle Gas Turbine-generated electricity. It identifies that the development would pay back the estimated GHG emissions from the construction phase upon 7 years when compared to UK Grid emissions and 4 years when compared to a fossil-fuel based energy source (Combined Cycle Gas Turbine).

7.57. Officers agree that the proposal would provide renewable energy, offset its own carbon footprint and reduce carbon emissions. However, as the electricity generation would be weather dependant and grid dependant, it is unclear whether the calculation takes these variables into account or is a best-case scenario. It is recommended that the savings and payback should be expressed within a range to take these variables into account.

Noise and Vibration

7.58. The PEI has been reviewed by the Council's Environmental Health team. A 300m separation distance has been adopted between noise-generating elements of the development and nearest residential receptors. A 100m distance has been adopted for vibration.

7.59. No objection is raised in principle to the noise survey methodology, locations or assessment approach, subject to some further detailed information provided on the baseline survey conditions, the Environmental Sound Criterion derived to protect residential amenity at all identified receptors, the use of clearly defined operational noise limits and justification for any rating penalties to be provided. Cumulative impacts with other noise sources should be considered and assessed.

Human Health

7.60. The PEI sets out that solar equipment will be located a minimum of 100m from any residential receptors and 300m where it relates to noise generating equipment. Landscape mitigation is proposed to reduce visual amenity impacts on residential properties, although the extent of this is not yet defined.

7.61. Access to the Public Rights of Way network may be disrupted during construction of the development. An outline Rights of Way and Access Statement will be submitted with the DCO application to set out how the PROW network will be managed during construction to maintain similar levels of access. Existing public rights of way will be maintained within the development parcels and 15m offsets provided between PROW and the nearest solar panels. However, the development will affect the way in which

users of the PROW network experience the footpaths both during construction and operation and this may reduce the attraction of the network to users.

7.62. The proposals do include some new footpath links which would add to the network and provide benefits. Some Members have identified an opportunity for a pedestrian and cycle route to be provided between New Romney and Lydd and through parcels C and D. This would create a sustainable off-road link between the two settlements and will be discussed further with the applicant and the KCC Public Rights of Way team.

7.63. The proposal includes options for the Battery Energy Storage System (BESS) to be sited within parcels A and/or C alongside a substation and other ancillary infrastructure. The BESS would incorporate a self-contained design to control and contain firewater in the event of a fire. An outline Battery Safety Management Plan will be developed and submitted with the DCO application. Officers consider that Kent Fire and Rescue are best placed to provide advice on fire risk and control in relation to the BESS. However, it is noted that Parcel C is located much closer to the settlements of New Romney and Greatstone than the area identified in parcel A is in relation to Lydd. Although wider impacts (including landscape and heritage impacts) would need to be considered further, the area defined in parcel A may be more appropriate for a substation and BESS given its more isolated character in relation to surrounding settlements.

7.64. The proposals include the operation of a Construction and Environmental Management Plan (CEMP), and dust and noise management plans to manage impacts on the local community. Subject to suitable control over this, no objection is raised in principle by the Council's Environmental Health team. In addition to the more detailed controls that would be specified in a CEMP, further clarification required in terms of the length of the construction period and phasing of the development to consider the significance of effects on residential receptors.

Socioeconomics

7.65. The PEI identifies the potential for employment opportunities arising from the development, but also the potential displacement of agricultural employment and impacts upon the visitor and tourism economy.

7.66. Comments from the Council's Economic Development officer are set out in paragraphs 5.13-5.18. The development has the potential to adversely impact upon the agricultural industry and tourism sector through the displacement of agricultural workers and effects on wider agricultural supply chains, such as local contractors and machinery dealerships, and the effect of the development on the character of the landscape and its tourism destination brand. Whilst there will be employment opportunities, these appear to be mainly in the construction phase and time limited.

7.67. The PEI states that the ES will assess employment and tourism impacts in detail. The Council requires early engagement on the scope of this assessment so that it properly addresses agricultural displacement, farm viability, local supply chains, tourism, visitor perception, cumulative effects and the balance between short-term construction employment and long-term local economic impacts. A binding Employment, Skills and Supply Chain Strategy should be developed and secured so that any local benefits are real, measurable and enforceable.

Air Quality

7.68. The Council's Environmental Health team note that air quality impacts are likely to be limited and associated with the construction phase of the development and would be managed through a CEMP.

7.69. In respect of air quality impacts relating to the BESS in the event of a fire, the PEI states that available evidence from modelling studies of comparable systems indicates that emissions from any such incidents would be short lived and highly diluted, and unlikely to result in air quality exceedances. The PEI states that modelling results will be incorporated into the outline Battery Safety Management Plan as part of the DCO submission. The Council requires the Battery Safety Management Plan, firewater containment strategy and emergency response arrangements to be available in sufficient detail to enable proper scrutiny at DCO stage.

Land and Groundwater

7.70. The Council's contaminated land consultant advises that in respect of contaminated land impacts, the PEI makes reference to a Preliminary Risk Assessment, but this has not been submitted with the consultation material. Concern is raised that scoping out the contaminated land impacts has been carried out on the basis of this document, but that it has not been provided with the consultation to justify this. Nonetheless, the contamination consultant advises that on the basis of the summary provided, it is unlikely that land contamination impacts on health would lead to significant effects to warrant inclusion in the ES.

7.71. Impacts on groundwaters would be assessed by the Environment Agency.

Cumulative Impacts

7.72. The PEI identifies the potential for cumulative effects arising from the two other NSIP solar farm proposals, the permitted solar park at Martens Farm, Newchurch, and from decommissioning of the nuclear power station. From this consultation, officers have identified the following key issues that should be assessed with an ES –

- Highways impacts arising from construction of multiple schemes.

- The cumulative loss of predominantly Grade 1 and Grade 2 agricultural land in the Romney Marsh

- The cumulative visual impact, particularly in relation to the South Brooks and South Kent solar schemes which abut each other in places.

- The cumulative effects on the local economy, particularly loss to the farming industry and impacts on the tourism sector.

- Cumulative effects on heritage assets

- Cumulative effects on residential and other sensitive receptors

7.73. Members will also be aware that the Council is undergoing a review of its Local Plan, with significant pressure for sites to be allocated for a range of uses to meet identified needs, most notably housing. Whilst the review is at an early stage, New Romney (incorporating Littlestone) is defined as a Strategic Town in the district settlement hierarchy under Policy SS3 of the Core Strategy. It is not unreasonable to forecast that some expansion of New Romney may need to be considered under the current local plan review, or future local plans (taking into account the 60-year lifespan of the solar park) given its status within the settlement hierarchy.

7.74. Work on the Local Plan review will continue to be developed over the coming months and during the timescale for the NSIP application process. Parcels B and C of the South Brooks scheme are located between 360-480m from the existing southern edge of the settlement boundary, and less than 300m from the south west edge. The South Kent Energy Park lies to the west of the settlement boundary.

7.75. Given the early stage of the Local Plan review, a draft version of the plan and any proposed allocations is some considerable time away and may or may not contain proposals for expansion of New Romney. However, the proximity of Parcels B and C to the settlement boundary raises long-term strategic planning issues regarding future development, particularly over a proposed 60-year operational period. These issues should be kept under review as both the Local Plan Review and the South Brooks proposals evolve and may need to be considered as part of the cumulative impact process, balancing competing national and local objectives.

Community Benefit Fund

7.76. The applicant proposes to create a community benefit fund to be put in place at the start of operation and last throughout the lifetime of the project. In line with other DCO projects nationally, the applicant proposes to provide £400 per megawatt per year of operation. Based on the grid connection agreement (500MW) this could be up to £200,000 per year.

7.77. Officers will continue to discuss the community benefit fund with the applicant, including how it would be secured, governed and targeted. Members have asked that the Council prepare a benefits policy, and the applicant should engage positively with that process so that any community benefit is locally focused, transparent and aligned with regeneration and resilience priorities for affected communities.

8. CONCLUSION

8.1. The national planning policy position for renewable electricity generation is compelling, and solar development is a key component of Government policy to meet net zero and clean energy objectives. National Policy Statements identify that solar farms are often located in rural areas and that there is a strong policy basis for nationally significant energy infrastructure.

8.2. For projects which qualify as Critical National Priority infrastructure – which includes renewable electricity generation – the Government states that it is likely that the need case will outweigh residual effects in all but the most exceptional circumstances, unless such impacts present an unacceptable risk to human health, public safety, defence, irreplaceable habitats or flood risk.

8.3. At this preliminary stage, the applicant has identified a range of potential adverse and beneficial impacts and has described emerging measures to avoid, reduce and mitigate those impacts. The Council's response should be clear that the submitted information remains incomplete in a number of important respects. The Council therefore reserves its position on the acceptability of the scheme, while identifying the following principal matters that must be addressed before submission of any DCO application:

- the scale and duration of the loss of Best and Most Versatile agricultural land, including cumulative effects and impacts on farm holdings and agricultural supply chains;
- landscape and visual impacts, including the absence of a full LVIA at this stage and the need to demonstrate that mitigation is realistic, deliverable and appropriate to the open Romney Marsh landscape;
- the lack of sufficient built heritage information and the need for a robust assessment of designated and non-designated heritage assets, including cumulative effects;
- ecology and HRA matters, including potential effects on internationally and nationally designated sites and the deliverability of mitigation;
- flood risk, drainage, groundwater, water quality and BESS firewater management, including the interaction with historic drainage systems;
- transport, construction traffic and public rights of way impacts, including cumulative construction impacts with other major projects;

- the effects of the development on the local agricultural and tourism economy, and the need for a binding Employment, Skills and Supply Chain Strategy;
- the cumulative effects of the development taken together with other solar farm proposals, Dungeness decommissioning and longer-term strategic planning considerations for New Romney and the Romney Marsh.

8.4. The applicant is invited to discuss the issues raised by the Council and to provide further information, design amendments and secured mitigation to avoid, reduce or mitigate these impacts as far as practicable before any DCO application is submitted. Unless and until that information is provided, the Council's response should remain one of clear reservation rather than support for the specific scheme.

9. BACKGROUND DOCUMENTS

9.1. This response is based upon the consultation information provided by the applicant on their website -

10. RECOMMENDATIONS

10.1. That the response set out in this report, including the key issues and required further work identified above, is submitted to the applicant as the Council's formal response to the statutory pre-application consultation.