

PLANNING OBJECTION STATEMENT

LAND AT GOSHALL VALLEY, EAST STREET, ASH

Construction of a Solar Farm with associated access and infrastructure

On behalf of Save Ash Levels



Lee Evans Planning Ref: 9343

February 2024

Planning Objection Statement

At

Land at Goshall Valley, East Street, Ash

<i>Client</i>	<i>Save Ash Levels</i>
<i>Determining Authority</i>	<i>Dover District Council</i>
<i>Prepared by</i>	<i>Lee Evans Partnership</i>
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<i>Date</i>	<i>February 2024</i>
<i>Status</i>	FINAL



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1. INTRODUCTION

1.1 This Planning Objection Statement is submitted pursuant to an application for planning permission submitted by Stantec on behalf of Little South Clean Energy Limited (hereafter, 'the Applicant'). The proposed description of development is listed as follows: *"Construction of a Solar Farm, with associated access and infrastructure"*.

1.2 Prepared on behalf of local interest group, Save Ash Levels (hereafter, the representor), this in response considers in detail the planning application reference 23/01363. This application was validated by the Council on 1 December 2023, and is currently awaiting determination.

1.3 Save Ash Levels is comprised of a small consortium of local stakeholders, including residents and business-owners. This objection group represents a range of local views on the application as proposed, with clear and long-term understanding of the site context and its wider setting.

1.4 Whilst this objection is based entirely around the content of the submission, it has due regard to wider matters integral to the ongoing quality of life in the vicinity of the Site across distinct technical matters which include heritage, ecology, highways, drainage, and landscape setting which are considered material considerations in the assessment of this scheme.

1.5 A number of documents have been submitted in support of the application, which includes:

- Application plans (existing and proposed)
- Planning, Design and Access Statement
- Environmental Statement
- Outline Construction Environmental Management Plan
- Landscape Strategy Plan
- Landscape Sections
- Flood Risk Assessment and Drainage Strategy
- Noise Assessment Report

- Agricultural Land Classification
- Transport Statement
- Archaeological Impact Assessment
- Written Scheme of Investigation
- Tree Survey and Arboricultural Impact Assessment
- Statement of Community involvement
- Glint and Glare Study
- Agricultural Land Quality and Land-Use Considerations
- Viewpoints
- Geophysical Survey

1.6 Having reviewed the application package, we write to outline a substantive objection – in the strongest possible terms – to the proposed development of 'Little South Solar Farm' in this rural location on behalf of Save Ash Levels.

1.7 To support the case, the document hereby submitted assesses the proposed development against the adopted and emerging Development Frameworks for the District, with due regard to relevant material considerations including the National Planning Policy Framework (NPPF) and planning history.

1.8 This objection centres around matters of both planning principles, concerns surrounding the technical suitability of the site for development, and material considerations including planning history and matters of community involvement.

1.9 Reference is made throughout to the hundreds of consultee comments listed against the application at the point of submission, including those of statutory consultees, local interest groups, national and regional specialist organisations, numerous local Parish Councils and – importantly – local residents.

1.10 This Objection is structured around the following matters which are – among other matters raised by other objectors and consultees – considered to be of most importance in the assessment and determination of this scheme:

- Principle of Development

- Technical Matters:
 - Heritage
 - Design, Character and Setting
 - Ecology
 - Highways
 - Drainage and Flood Risk

1.10 **On behalf of Save Ash Levels, we respectfully request that planning permission is refused at the earliest opportunity.**

1.6 **Overall, this Objection advocates strongly for the refusal of the proposed development.**

1.7 The proposed development as submitted would tangibly and demonstrably fail to satisfy relevant objectives for the District in seeking the delivery of sustainable development namely as a form of large-scale development directly at odds with many policies of the Plan, located in the open countryside in a sensitive planning context including for irreplaceable historic and natural environments.

1.8 Technical review of baseline conditions suggests that a strong case can be made in objection to the development, evidenced in a slew of consultee comments seeking either holding objection and / or further information. The matters against which many of these objections are made are not simple omissions or clarifications, but rather important omissions and / or discrepancies. In the case of heritage inputs supporting (and presumably underpinning the proposal) it is the case that there is a sustained and significant divergence in professional, specialist assessment of the impacts of the scheme on the nationally and internationally important Richborough Roman Fort, as an example. The Representors' own technical review reaches a similar position throughout the pack and information submitted.

1.9 This Statement therefore concludes that the proposed development would fail to bring forward a deliverable and sensitively designed form of development in this location, and that it would fail to satisfy relevant planning policies for the District, per the adopted Local Development Framework and – specifically – in line with the emerging Local Plan which continues to seek the conservation and enhancement of the natural and historic environment, as primary considerations constituting defensible reasons for refusal.

2. SITE DESCRIPTION AND PLANNING CONTEXT

- 2.1 A full description of the Site is not provided here, given its extensive description across numerous technical documents and consultee responses pursuant to this application.
- 2.2 The Site comprises an area of circa 83.34ha (per the Planning Statement), and is held in arable farming use. There are intermittent trees, hedgerows and boundary vegetation across the site area. It is understood that there is no public access to the Site, which is itself held in private ownership. A number of Public Rights of Way are relevant to consideration of the Site from public vantage points – particularly to the north, south, and west of the Site’s demise.
- 2.3 Most of the Site sits within the Ash Level and South Richborough Pasture Local Wildlife Site (LWS). The LWS is designated principally for its floodplain grazing marsh habitat, consisting of ditches and scrape networks with areas of hedgerow. Wintering and breeding waterbirds such as Lapwing are a feature of this landscape. The Ash Levels is also functionally linked land to the Sandwich Bay complex located 1.6km east of the Site and comprising a Special Area of Conservation (SAC), Special Protection Area (SPA), a Ramsar site and the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI). The area also lies within the Kent Downs and Stour Valley Important Invertebrate Area (IIA). Furthermore, the LWS and proposed development site also lie within the Lower Stour and Wetlands Biodiversity Opportunity Area, targets of which include ‘Creating or restoring 500,000 hectares of wildlife-rich habitat’.
- 2.4 A number of heritage assets are located nearby, the most significant being the Roman remains at Richborough, a scheduled ancient monument. The site of the proposed Little South Solar Farm at Ash in Kent is located immediately to the southwest of the Roman site at Richborough which is today on dry land 2km from the Kent coastline, although in the Roman period Rutupiae was on an island in the former Wantsum Channel.
- 2.5 Parts of the Site fall within Flood Zone 2, with the majority in Flood Zone 1.

- 2.6 It is noted in the wider planning context that the Site does not sit in isolation from a number of other proposed industrial forms of development.
- 2.7 Considering nearby land-uses (Appendix A), it is of central importance for the Local Planning Authority to also consider that the cumulative impact of this proposal in the context of other similar developments nearby should be carefully considered as it could contribute to an industrialising of the overall landscape in an unplanned way. Other nearby proposals include: the National Grid’s plans to build a converter and electricity sub-station in Minster Marshes, the existing solar farm at the White Mill roundabout, and two further proposals at Europa Nursery and also at Richborough.
- 2.8 To best situate the proposal and the Representor’s views on such, **Figures 1, 2 and 3** below provide an initial visual representation of the Site and its surroundings.

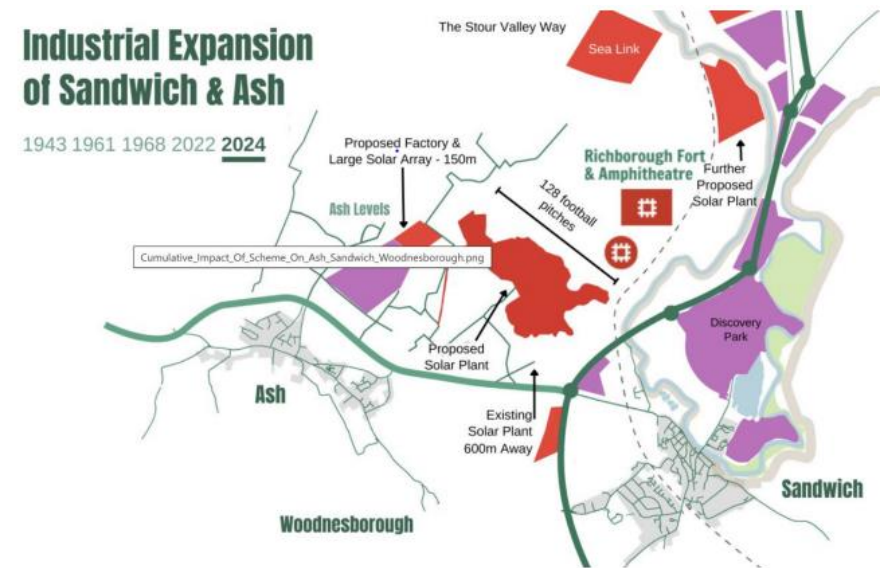


Figure 1. Cumulative and emerging industrial expansion at Sandwich and Ash.



Figure 2. Proposed site location in the immediate setting of Richborough Roman Fort.



Figure 3. Proposed visualisation of the proposed development, in context of its expansive and important countryside setting.

3. PLANNING POLICY

- 3.1. Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. Here, the development plan for the purposes of S38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Core Strategy (adopted 2010), the Land Allocations Local Plan (adopted 2015), and the saved policies of the Dover District Local Plan (adopted 2002).
- 3.2. There are a number of other material planning policy considerations relevant to determination of this proposal, including the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) together with emerging local planning policy documents and supplementary guidance.
- 3.3. It is also noted that the emerging policy Dover District Local Plan continues to gain weight as it progresses through the plan preparation process. The plan was the subject of Regulation 19 Consultation until late 2022, and was submitted for Examination in Public in March 2023. Whilst examination hearings have concluded the Plan has yet to be adopted, and as such does not carry full weight in decision making at this time. That said, its direction of travel is emphasised.
- 3.4. The following policy considerations are considered of most relevance.

CORE STRATEGY (2010)

- CP1- Settlement Hierarchy and Spatial Strategy for the Location of Development
- CP7 – Green Infrastructure Network
- DM1- Settlement Boundaries
- DM11 – Location of Development in Managing Travel Demand
- DM15- Protection of the Countryside
- DM16- Landscape Character

SAVED POLICIES OF DOVER DISTRICT LOCAL PLAN (2002)

- 3.5. The Saved Policies of Dover District Council Local Plan are not considered of direct relevance to the proposed development, given that many of these have since been superseded as above.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 3.6. Paragraph 2 advises that the NPPF is a material consideration in planning decisions. Paragraph 8 advises that achieving sustainable development means that the planning system has three, independent overarching objectives:
- An economic objective
 - A social objective
 - An environmental objective
- 3.7. The provisions of the Framework are referred to throughout as appropriate, with due regard to the ambitions of the Applicant, cognisant of the Site's wider setting.
- 3.8. As a whole, the Framework seeks the pursuit of sustainable development which is described as seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
- Making it easier for jobs to be created in cities, towns and villages;
 - Moving from a net loss of bio-diversity to achieving net gains for nature;
 - Replacing poor design with better design;
 - Improving the conditions in which people live, work, travel and take leisure; and
 - Widening the choice of high quality homes
- 3.9. Paragraphs 10 outlines the presumption in favour of sustainable development and Paragraph 11 confirms that this presumption in favour should be applied as follows:

For **decision-taking** this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

3.10. **Paragraph 38** provides guidance in relation to ‘decision-making’ and outlines that local planning authorities should approach decisions on proposed development in a positive and creative way and should also look to work pro-actively with applicants and seek to approve applications for sustainable development where possible.

3.11. **Paragraphs 56 and 57** comment;

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

3.12. Whilst not repeated here in full, Chapter 12 of the Framework seeks to achieve well-designed places and in this regard is key in the assessment of the

proposed development. In particular Paragraphs 126, 127 and 130 which collectively seek to ensure that developments will function well and add to the overall quality of the area, are visually attractive and are sympathetic to local character, among other listed objectives.

3.13. Chapter 15 seeks in a similar regard to conserve and enhance the natural environment, inter-alia protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

3.14. Due regard is had to the Framework as a material consideration, and we make a balanced assessment of the scheme under this context.

EMERGING DOVER DISTRICT LOCAL PLAN

3.15. As elsewhere we acknowledge that the emerging Local Plan is currently under Examination in Public, having been the subject of public consultation previously at Regulation 18 and Regulation 19 stages. The Local Development Scheme (LDS) for the District (Dated September 2022) confirms a target adoption of the Plan in 2024, subject to the findings of the ongoing Examination. Hearing sessions have since concluded in 2023.

3.16. The progress of the Plan is noted, and its contents are considered to carry increasing weight relative to the stage of plan preparation reached, albeit not carrying full weight at this point in time.

3.17. Emerging policies considered of most relevance are listed as follows:

- Policy SP1 – Planning for Climate Change
- Policy SP13 – Protecting the District’s Hierarchy of Designated Environmental Sites and Biodiversity Assets
- Policy SP14 – Enhancing Green Infrastructure and Biodiversity
- Policy SP15 – Protecting the District’s Historic Environment
- Policy HE1 – Designated and Non-Designated Heritage Assets
- Policy HE3 – Archaeology
- Policy CC2 – Sustainable Design and Construction
- Policy CC3 – Renewable and Low Carbon Energy Development

- Policy PM1 – Achieving High Quality Design, Place Making and the provision of Design Codes
- E4 – Tourist Accommodation and Attractions
- Policy TI1 – Sustainable Transport and Travel
- Policy NE1 – Biodiversity Net Gain
- Policy NE2 – Landscape Character and the Kent Downs AONB

SUPPLEMENTARY PLANNING GUIDANCE

- 3.18. It is acknowledged that there are a number of relevant Supplementary Planning Guidance documents. Among these, the **Renewable and Low Carbon Energy SPD** published by Central Government makes clear what LPAs should consider when assessing planning applications for solar farms and drawing up their local plans.
- 3.19. We also keenly refer across to the District’s various tourism-related policies and guidance. As is relevant here, policies contained within the NPPF aim to support economic growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable development. Paragraph 88 of the Framework clearly states that support should be given to both the development and diversification of agricultural and other land-based rural businesses; and sustainable rural tourism and leisure developments which respect the character of the countryside. It goes on to state that support should be given to sustainable rural tourism developments that benefit businesses in rural areas, communities and visitors, which respect the character of the countryside. There is an overlapping and cross-cutting nature of the above principles with the Applicant’s position regarding renewable energy itself, and this is a significant cause of concern.
- 3.20. In addition, both the **Tourism and Visitor Economy Strategy** for the District are further clear in their support a range of opportunities in diversifying the District’s tourism and leisure offer. The District’s current growth strategy for tourism and the visitor economy was launched in May 2021 by the then Minister for Sport and Tourism, Nigel Huddleston MP. The strategy is a framework for the development of tourism in White Cliffs Country until 2030.

- 3.21. The Strategy has clear ambitions that by 2030, the tourism and visitor economy within White Cliffs Country will be a year-round sustainable, accessible and productive industry, where businesses and organisations are growing, and visitors return year after year. It should be noted that English Heritage have recently made a substantial investment of some £1.3m to visitor facilities at Richborough Roman Fort and Amphitheatre which has resulted in a substantial increase in visitor numbers. This in turn has benefited businesses around Ash and Sandwich however the investment could be lost if the solar development ruins the setting of such a significant tourist venue.
- 3.22. The Strategy outlines in multiple places its ambition in attracting inward investment in the tourism industry, attracting new providers and increasing the numbers of visitors in the district, and encouraging visitors to invest their time, stay longer and spend more. One of the key methods in achieving these goals is described as capitalising on the opportunities offered by the District’s unique heritage, environment, culture and gateway location by supporting the capacity of the sector to grow and innovate. These ambitions are reflected in the concerns raised by Save Ash Levels, and a multitude of other organisations and stakeholders – locally, regionally, and nationally.
- 3.23. It is further acknowledged – and emphasised – that Dover District Council is set to imminently adopt its new **Green Infrastructure Strategy** in the coming weeks. The purpose of this strategy is at its core to deliver a high-quality multifunctional network of green infrastructure that benefits people and nature. In its composition, it draws on an extensive body of evidence and outlines a district-wide strategy focused on six objectives:
- Protected and restored nature
 - Greater resilience to climate change
 - Sustainable water management
 - Improved health and wellbeing for all
 - Sustainable places
 - Valued healthy landscapes.
- 3.24. It refers throughout in its ambitions and implementation to protect natural conservation sites, archaeological and historic sites, green corridors, green

space designations (selected for historic significance, beauty, recreation, wildlife and tranquillity) and amenity green space, among others.

3.25. As a central underpinning of this strategy, it is noted that the Green Infrastructure Strategy draws on the Leader & Chief Executives' Statement on the Corporate Plan: "...we want to protect our iconic natural environment and the rich heritage for which we are world renowned, with a renewed vigour on addressing climate change and sustainability...".

3.26. In this context – and that of relevant local planning policies – this objection considers in detail the following matters, inter-alia,:

- the impact of solar panels on local amenity and local landscapes, including cumulative impacts of large-scale solar farms;
- that the need for renewable energy does not automatically override environmental protections;
- the siting, size, colour and design of solar systems;
- the visual impact of solar farms, in particular their impact on the local landscape in terms of "glint and glare" and on neighbouring uses; and
- the emerging conflict of a development of this nature and scale in this location, with other development plan policies and guidance around cross-cutting matters of natural capital and Dover's refined and recently adopted tourism strategy for 'White Cliffs Country'.

PLANNING CONSIDERATIONS

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2. Having regard to the relevant planning policy provisions as summarised above and other material consideration, we consider at this stage the principal issues relevant to the determination of this planning application will be:
- The principle of development in this location;
 - The design of the proposed development layout with reference to visual impact and amenity;
 - The impact(s) of development on the landscape character;
 - The impact(s) of development on the unique historic character of the Site and its surroundings;
 - The impact(s) of the development on the ecological setting of the Site;
 - The impact upon neighbouring residential properties; and
 - Matters of highways and parking.
- 4.3. It is considered on the assessment of the above that a number of reasons for refusal emerge across the submitted scheme, and these should be weighted and decided accordingly by Dover District Council as Local Planning Authority.

PRINCIPLE OF DEVELOPMENT IN THIS LOCATION

- 4.4. Both the NPPF and adopted development plan support the delivery of sustainable development in sustainable locations, and for renewable energy there is support at the national level, in the broadest terms for all types of renewable energy in the context of an ongoing climate emergency. This is

reflected throughout the Applicant's Planning Statement, which refers variously to:

- Paragraph 152 of the NPPF, supporting renewable energy as a means of meeting our increasing energy demands, tackling climate change, addressing supply security and transitioning to a sustainable low carbon economy, with further reference to privately funded, large scale solar developments such as this are recognised as being not just necessary but central to meeting an urgent need;
 - Paragraph 154 stating that that local planning authorities should "approve the application if its impacts are (or can be made) acceptable."
 - Wider UK energy policy acknowledges renewable energy developments as being key to the net-zero target;
 - Government energy policy driven by its declared Climate Emergency to achieve a 100% reduction in greenhouse gas emissions by 2050 (Net Zero), acknowledging that this is a legally binding target.
- 4.5. That said, it is a matter of legislation that –all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.6. There are significant concerns regarding the appropriateness of this site for this type and scale of development, in this protected and sensitive location in the precise context of the Development Plan and the weight given to material considerations levied by the Applicant as positives in the planning balance.
- 4.7. Neither the current Local Plan nor the emerging Local Plan allocate the Site for any particular land use; and this should be weighted accordingly in the officer-level assessment. However officers should also bear in mind that the countryside should generally be afforded a high level of protection against

inappropriate development; its erosion in quality and setting through inappropriate development should not be taken lightly.

- 4.8. The Applicant's case focuses solely on the provision of renewable energy, which is somewhat valid in its own right in its alignment with aspirations of the Plan in both adopted and emerging policies in supporting sustainable development and renewable energy sources. However this does not preclude an assessment of the principle of not developing this Site, in this precise location, in this precise location. Whilst the adopted development plan does not include for precise policies around climate change and renewable energy, and likewise does not allocate for such land uses, it does do so for other land-based designations. This cannot simply be ignored or otherwise overlooked as convenient.
- 4.9. We note as an overarching matter of principle that Policy CP1 directs growth to the settlements as the primary focus for new development in the District, specifically within the urban areas as defined on the policies map. It is relevant in this regard that DM1 also directs growth generally within the identified settlement boundaries. DM1 as written outlines the exceptions which apply to development that may otherwise be seen in conflict with settlement boundaries, including that such development is:
- Justified by other development plan policies; or
 - Functionally requires a rural location; or
 - Ancillary to existing development or uses.
- 4.10. In respect of Criterion A, we note that the development plan does not have a specific set of policies directly related to the type and scale of development proposed here. In respect of Criterion C, we note that the proposal is not ancillary to an existing use or development, and by virtue of its scale cannot be considered ancillary in any case. In that regard, we acknowledge the Applicant's case that the development requires a rural location given the size of landholding required for this scale of development (Criterion C).
- 4.11. Yet at the same time, supporting text makes reference at Paragraph 2.26, that: *"The District's potential for renewable energy production lies mainly in*

wind and biomass. While wind has most potential, finding acceptable locations for large, more efficient, wind turbines is very problematic. The District does not have a large biomass fuel resource which would mean that local supplies would need to be supplemented by ones from other areas".

- 4.12. In the context of adopted policies, solar energy potential is not explicitly referred to as a focus of development though it is accepted that all sources of renewable energy at *appropriate* scales should be considered.
- 4.13. Conceptually, the Plan is again clear at Paragraph 1.49 that the natural environment – and specifically the countryside is a natural non-renewable resource. It goes on to state that *"in common with all natural resources it should be used prudently, whether for agricultural purposes, leisure and recreation or for building. Countryside is defined as undeveloped land beyond settlement boundaries but excluding any land allocated for development"*.
- 4.14. It must be the case that any planning assessment of natural renewables is balanced adequately and robustly against the natural environment more widely as a non-renewable resource.
- 4.15. Indeed the Ash Parish Council Neighbourhood Plan – itself 'made' and a part of the adopted Development Plan for the District – states at Policy ANP1 that: *"Development in the countryside must have regard to the purpose of conserving and improving the physical surroundings and the natural beauty by enhancing and expanding the trees and hedgerows. Developments are also expected to maintain the key views in and around the village of Ash...."*. As a starting point there is a clear line of conflict with the proposal, and likewise with those of adopted policies DM1 and DM11 which seek to achieve similar. The NPPF itself emphasises sustainable development, but it does so on the basis of all three strands of sustainable development including the social and environmental aspects – which extend beyond renewables to include natural capital in its natural and semi-natural state.
- 4.16. Again, as outlined in parts of the development plan and specifically within the Ash Neighbourhood Plan, the location of Ash and its considerable (7,000) acres of agricultural land naturally leads to a wide range of biodiversity. The employment this land brings to the area also heightens the community's

awareness of the environment and biodiversity issues and the effect these have upon their life-styles and impact upon the economy. Ash lies wholly within the SSSI Impact Risk Zone for Stodmarsh National Nature Reserve (NNR) and Ramsar Site (SSSI), and Sandwich and Pegwell Bay NNR and Sandwich Bay Special Area of Conservation (also a SSSI). These sites have the highest level of legal protection of their wildlife and nature conservation value at both national and international level. Much of the Stour Valley marshes close to the river are under the government environmental scheme (Countryside Stewardship). These areas provide a vital corridor for birds migrating across England to and from mainland Europe and therefore has a wide range of biodiversity that supports them.

- 4.17. The whole application site area falls within a protected ecological site, and is identified as a Local Wildlife Site within the context of Strategic Policy 13, here the Ash Level and South Richborough Pasture. The goal of the policy is to conserve and enhance the District's important natural landscapes and water environments, to ensure these assets can continue to be experienced and valued by residents and visitors and are protected from inappropriate development. Supporting text clarifies that for locally identified biodiversity assets, including Local Wildlife Sites and Local Nature Reserves, as well as priority and locally important habitats, development likely to have an adverse effect will be permitted only where the damage can be avoided or adequately mitigated or when its need outweighs the biodiversity interest of the site and when the coherence of the local ecological network is maintained. Compensation will be sought for loss or damage to locally identified biodiversity assets. The proposed development is almost entirely at odds with the objectives of this Policy, save for what is described as a series of planning benefits in the form of biodiversity net gains (soon required legislatively, rather than purely 'offered up' as a gain of their own volition).
- 4.18. Various documents refer to site selection processes, and confirm the Applicant's rationale underpinning this site's selection as:

"The site has been selected for its suitability for solar development, taking account of the local environment and landscape. Site features include excellent solar irradiation to generate renewable electricity, suitable grid

connection, land which is not of the highest agricultural quality and opportunities for landscape planting and biodiversity enhancement".

- 4.19. The Applicant's site selection process is acknowledged, though this should not – and does not – trump the assessment process which must be employed by the LPA in examining this development submission as proposed. It is furthermore not evident that the Applicant has meaningfully explored a number of other sites, including brownfield sites.
- 4.20. The Applicant's case in favour of development centred around 'suitable solar irradiation' is noted, but the same site features also render this Site as a protected ecological site. As a matter of planning principles, the designation of the Site as part of a Local Wildlife Site – alongside its multitude of other designations and those in the near and immediate context – are tried, tested, and examined. They are already part of the planning context, and protected for their distinct, measurable characteristics. They are already protected to a degree under policy, and this must be accounted for in any question around appropriateness of this development in this location.
- 4.21. The emerging Local Plan – given its increasing weight – is recognised as an important matter to consider in the balance. Policy CC3 is of central importance, given its centrality to matters of 'Renewable and Low Carbon Energy Development'. Like many policies, this too is a criteria-based policy. The Representor provides commentary against these here:

A) The environmental, social and economic benefits of their proposals are made clear;

The Applicant's case outlines a number of perceived benefits. For clarity, the Representor contests a number of these benefits – specifically those centred around the environmental and social aspect of sustainability, namely around biodiversity, landscape, heritage, and amenity. The rationale underpinning this position is outlined across this objection, and – in both broad and specific terms – is reflected across the hundreds of responses received from all manner of consultee responses.

B) It will not result in significant harm to the surrounding area, landscape character, natural or heritage assets, habitats, biodiversity, or wildlife (particularly protected species), having special regard to the natural beauty of the Kent Downs AONB;

For the reasons outlined later in this objection on matters of landscape character, natural assets, and heritage assets, this clearly is not the case with this application. For this reason alone, the overall principle of the development simply cannot be considered acceptable and must fail on this basis alone.

C) There is no significant loss of amenity to local residents by virtue of visual impact, noise, disturbance or odour;

The proposal would result in major disruption to the quiet enjoyment of a number of local residents, on all matters of visual impact noise and disturbance. This is reflected in the wealth of objections locally, and mirrored in technical consultee responses which identify a number of technical deficiencies with the proposal, each reasonably suggesting in turn a significant level of harm likely to arise for those living nearby.

D) The proposals will conserve and enhance the natural environment through measures such as improvements to biodiversity;

The proposed development will make some purported positive mitigation and enhancements to biodiversity and the wider ecological regime. For the reasons outlined elsewhere in this objection, the Representor does not agree with this position in its entirety.

E) There is no loss of the best and most versatile agricultural land, unless that it can be demonstrated that no alternative lower grade land is available;

Existing Government guidance – including within a recently issued February 2024 Research Briefing – confirms that solar farm proposals should generally

be located away from the “best and most versatile” agricultural land. Agricultural land is Grades 1, 2 and 3a is generally considered to be best and most versatile.

There appears to be quite a large discrepancy in the Applicant’s position on such relative to local and specialist understanding of the Site’s composition. The Applicant asserts that the majority of the Site comprises of Grade 3b soil. There is doubt as to whether this is an accurate depiction of the Site’s current state. It is encouraged that independent review and scrutiny of such be undertaken early in the officer-level assessment of the proposal, given its central importance to an assessment of the principle of development. This is in turn an important material consideration – food security is itself part of a wider narrative around sustainability and the climate emergency referred to in the Applicant’s submission.

It is important that the proposal is itself consistent and accurate in its positioning as a direct response to the climate emergency.

It is further noted that Schedule 4 of the Development Management Procedure Order 2015 requires local planning authorities to consult Natural England on planning applications that will result in the loss of over 20 hectares of ‘best and most versatile’ agricultural land if the development of that land is not in accordance with their Local Plan. Procedurally it cannot be clear at this stage whether this has taken place on an accurate and robust basis, specifically around the loss of BMV land.

Whilst Natural England has already been consulted, it is requested that they are re-consulted at any stage after which the above concerns around the accuracy of the Applicant’s BMV reporting has been verified.

It should be noted at this stage that the Representor is currently seeking further specialist advice on this matter.

F) It will not result in an unacceptable impact on the local transport network that cannot be satisfactorily mitigated;

Reference is made to Kent County Council’s outstanding consultee comment which raises a holding objection and request for further information. This criterion cannot be fulfilled in such circumstances.

G) Any fuel required is sustainably sourced

As a proposed solar farm, this criterion could be achieved.

4.22. In line with the above, the strength of case presented by the Applicant even against CC3 and its criteria – notwithstanding the other matters raised here and elsewhere in this objection – is simply not convincing at this scale, in this location. To best situate this, Figure 4 outlines the comparative size of the Site relative to the overall size of Ash and Sandwich, as clear examples of the extensive area proposed for development.

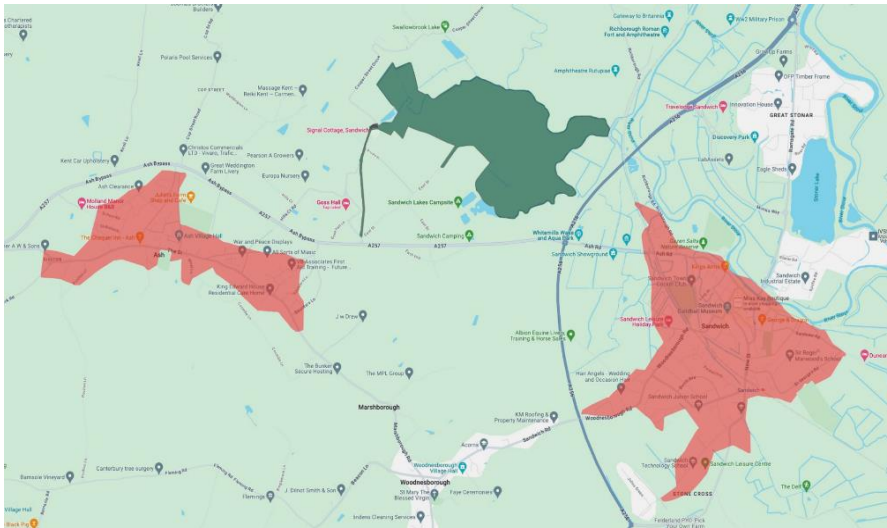


Figure 4. A visual comparison of the proposed site relative to the size of Ash and Sandwich respectively.

4.23. Whilst the Representor does not dispute in entirety the benefits of renewable energy, it does dispute the requirement for such in this location at this scale, as an overall matter of principle both against adopted and emerging policy positions.

4.24. As material considerations – and as precedent locally - the Applicant notes two referenced applications for similar types of development. The Representor acknowledges such, but advises that officers should be clear in the weighting ascribed to the benefits of this proposal, particularly when weighed against the shortcomings and adverse impacts of such. It is noted that – given the 2021 and 2022 applications – there is potentially a case for a reduction in the benefits of this scheme, when taking a District-wide view of the delivery of such an extensive amount of renewable energy over a relatively short period. This is also noted in respect of the adjoining proposed land use.

4.25. The Representor must strongly object, and ask that the Council seriously considers the weight it gives to the emerging proposal at this juncture, and whether it is confident that the scheme as submitted does bring about the extent of benefits cited by the Applicant, and that such can – and are – sufficient to outweigh the adverse impacts of this development.

4.26. It is wholly inadequate for a positive determination to be made ahead of a more detailed weighting of the conflicting policy aspirations of the development plan (here, renewables and environment), particularly in the context of a divisive site like this. It is not abundantly clear that the Applicant has grappled with the multi-faceted nature of this principle question. The development plan is clear on both matters in isolation, and this is acknowledged.

4.27. Incidentally a recent Government Research Briefing titled “Planning for Solar Farms” (February 2024) identifies a number of key matters of intrinsic relevance to the proposal. At the core, for a development of this scale, it records that:

“LPAs in England will decide applications for smaller-scale solar farms in line with their local plan and the national planning policies. Government

guidance advises LPAs to approve renewable energy developments whose “impacts are (or can be made) acceptable”. Government guidance states that there “are no hard and fast rules about how suitable areas for renewable energy [developments] should be identified”. It advises LPAs to consider their potential impacts on the local environment and the views of local communities when identifying suitable sites”

- 4.28. It is advocated that more critical analysis of the proposal – both by the Applicant and by the LPA – is required here in balancing the overall principle of development. It is not clear from the submitted documents where – and if – the LPA was previously consulted, and how officers previously balanced such matters. This is an oversight, if not undertaken.
- 4.29. Whilst the weight given to CP1, DM1, and DM11 of the Core Strategy have been recently queried under various planning decisions in respect of their consistency with national policies, it is submitted that the Site is nonetheless not an appropriate location for development of this type at this scale.
- 4.30. Combined with the reasons considered later in this correspondence, the Representor considers in total that the scheme does not in fact merit receipt of planning permission, and should – for reasons of overall principle and technical matters – be refused without haste.

DESIGN, CHARACTER AND APPEARANCE

- 4.31. The primary policies relating to design matters therefore relate to Policies CP4 of the Core Strategy, as well as Policies DM15 and DM16 which deal with landscape impact(s) resulting from development. Chapter 12 of the NPPF is also a key consideration. Emerging Policies of most relevance – and according to the advanced stage of the EiP – include: Policy CC2 – Sustainable Design and Construction; Policy PM1 – Achieving High Quality Design, Place Making and the provision of Design Codes.
- 4.32. Collectively these policies aim to secure quality and inclusive design that is sensitive to surrounding planning context, including the countryside landscape character areas, and in general look to support development that:
- Relates to surrounding development, form, and layout and strengthen links to adjacent areas;
 - is well designed, respect and enhance the character of the area paying particular attention to context and identity of its location, scale, massing, rhythm, density, layout and use of materials appropriate to the locality, including the landscape character and setting. The development itself must be compatible with neighbouring buildings and spaces and be inclusive in its design for all users;
 - Incorporates a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access;
 - Improves people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime.

4.33. Policy DM16 of the Core Strategy seeks to protect against harm to landscape character. Chapter 15 of the NPPF likewise seeks to do the same. DM16 of the adopted Core Strategy also explicitly acknowledges:

“Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:

- I. It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or*
- II. It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.”*

4.34. The Site is not allocated for the proposed land use as a solar farm. It cannot therefore be in accordance with DM16 on the basis of an allocated form of development. Its mitigation and avoidance measured (as proposed) should not be assessed in the context of Criterion I of DM16.

4.35. For all other cases, Criterion ii of DM16 instead notes that development that would harm the character of the landscape will only be approved if it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. This is therefore the central measure against which this proposal – in landscape terms – must be assessed.

4.36. A Landscape Strategy has been submitted as part of the application, supported by a Chapter of the Environment Statement focused on landscape and views, including a Landscape and Visual Impact Assessment.

4.37. There are extensive vantage points for public views to and from the Site, given the network of PROW routes around the Site. The Site undulates in parts, and

is currently a patchwork of fields with hedgerow boundaries. The nearby Discovery Park is the most significant form of built form nearby.

4.38. The Landscape Strategy is purported to address both adopted and emerging policy criteria. However, that does not deal convincingly with the application at-hand which is assessed in its own right against such. The Applicant outlines a landscape strategy plan which includes for a combination of retention to help sensitively design the development in its current surroundings; the introduction of Willow Carr / Wet Woodland and reed beds; and regeneration of coastal and floodplain grazing marsh. Whilst there are benefits to such, this nonetheless represents a significant change in the landscape setting of this protected countryside location. It seems almost inconceivable that a large development (large in scale, but also large in visual magnitude relative to the Site location in the countryside with very little surrounding development) could in any way be ‘designed sensitively in its current surroundings’, as suggested in the submitted Planning Statement. There can be no such thing at this scale, even despite the level of ‘enhancements’ proposed.

4.39. The adopted plan is clear in supporting text underlying its landscape policies, and embedded within the overarching objectives of the Core Strategy read as a whole.

4.40. The LPA’s adopted and independently assessed development plan states (with commentary below on behalf of the Representor):

The Strategy seeks to protect the countryside from development beyond that needed to implement its proposals and to sustain the rural area’s communities or economy.

A compelling case has not been levied by the Applicant that addresses the above objective. In any case, the proposal as submitted appears an excessively large scale of development relative to the communities it would most directly impact, rather than serve. Whilst there may be larger scale, longer term energy-related benefits, these do not by default weigh any greater than the dis-benefits of the proposal, which is at odds with specific strands of the Strategy and its policies.

This protection relates to the erosion of the countryside as a physical resource and also to its inherent tranquillity which can be reduced or spoilt through impacts such as noise and light pollution.

The countryside would be eroded to a great degree, should the LPA seek to approve this development. The Site area is an extensive swathe of greenfield land which would have the effect of carving out and industrialising a significant area of land, effectively coalescing Sandwich, Ash, and ribbon development on the approach to Thanet. The countryside is an important and irreplaceable resource; it cannot be replaced as it will simply become 'brownfield land' after the de-commissioning of this Site. There is no clear plan or management plan outlined as to what might happen after the lifespan of this development – it cannot be assumed that the Applicant would simply return such a large area in its entirety to greenfield land; the countryside location would simply be lost, and its current tranquillity changed significantly without meaningful guarantee of its return.

These impacts can often be created by developments that are located outside the countryside.

There is widely acknowledged agreement that development outside of settlement confines can be harmful. This is a question of proportionality – what is the harm, and how significant is it in the balance. For a scheme of this size encompassing a vast swathe of land in the open countryside, the impacts cannot be anything other than significant – by virtue of scale, if nothing else,

4.41. Notwithstanding the above as a matter of principle, the Representor considers that the 'enhancements' proposed are nonetheless a form of change that departs from the existing landscape setting considerably, and should be assessed accordingly. The Ash Levels are already of quality in their own right. The dilution of this quality should be acknowledged. This proposed

loss of character should be acknowledged. This quantum and scale of proposed landscape change – positive or not – should be acknowledged.

4.42. The Planning Statement notes at 3.3.5 that *"the Site is considered to have the capacity to accommodate the Development without undue or unacceptable effects on landscape character and visual amenity, and with the potential for considerable improvements to the landscape structure of the Site itself, which will in the long term provide a beneficial effect"*.

4.43. The Representor considers that this simply cannot be an accurate description of impacts. There will be clear change, and whilst the Site may in principle have capacity to accommodate some form of development without undue or unacceptable landscape impacts, the position is that this is not achieved in this design iteration. This speaks to the core of Criterion ii of DM16, in that it simply does not bring the harms down to what could conceivably be an 'acceptable' level of harm.

4.44. The LPA's own evidence base and Landscape Character Assessment is clear that the Ash Levels are noted for their:

- expansive, uninterrupted, long-distance views across the marshes;
- the absence of settlement and development;
- their contribution to sense of isolation and remoteness with a strong sense of place; and
- their openness and overall described as a tranquil and rural area, with an open and exposed remote character and large skies.

4.45. Moreover – and considered elsewhere – the Levels are significant in their setting for the Grade I-listed Richborough Castle, an irreplaceable cultural and heritage asset. This element of DDC's own evidence base therefore goes on to explain that any development proposals within this character area should conserve the open landscape and avoid the introduction of large-scale or incongruous elements or any form of development in this unsettled landscape

and consider the role of this area as the landscape setting for Richborough Castle.

- 4.46. Acknowledging the role of renewable energy as part of the Council's overall strategy, referring back to Policy CC3 as emerging re Renewable and Low Carbon Energy Development, one of the criterion refers clear to development that does not result in significant harm to the surrounding area, landscape character, natural or heritage assets, habitats, biodiversity, or wildlife (particularly protected species), having special regard to the countryside.
- 4.47. There is a fundamental level of concern as to whether the proposal does – or can ever – achieve such. For the Representor, this simply cannot be the case for a development of this type and this scale in this location.
- 4.48. Robust assessment of the LVIA must be undertaken by the LPA, which concludes in Chapter 7 that *“whilst the Development will result in adverse effects on landscape and visual receptors, these effects are limited by the combination of the existing landform alongside the existing and proposed vegetation framework and inherent characteristics of the type of development in general. Furthermore, through the iterative LVIA process, the layout of the Development and the formulation of a comprehensive landscape mitigation strategy have been guided by a robust understanding and analysis of the Site and its landscape and visual context, with the aim of reducing or where possible avoiding significant landscape and visual effects. As a result, the majority of the residual adverse effects can be reduced to a level that is not significant, with a tangible and beneficial significant effect on the landscape of the Site in the long term. The significance of effect is considered to be Moderate and therefore significant on the Open fields and the Site and its immediate setting. In contrast to this the Development delivers an increase in tree cover associated with the watercourse enhancements which is considered to give rise to a Moderate Beneficial significant of effect”*.
- 4.49. The Representor emphasises the need to critically assess these conclusions that a development of this type and scale, in the countryside, would have a

moderate beneficial significant effect on the landscape setting and character, relative to its current undeveloped state.

- 4.50. The provision of trees and other mitigation efforts are acknowledged, but again as a matter of principle there is unfortunately little balance or assessment of wider principle matters of protecting and conserving (or enhancing in its own right) the Ash Levels. The addition of these alien features at this scale simply cannot be seen to be a moderate significant benefit to the landscape character in a reasonable reading of relevant planning policies.
- 4.51. It is considered that the parameters of the design do not satisfy the design criteria and overarching objectives of the policies referenced above. The proposed development and application package acknowledges the local landscape setting and includes a landscape strategy that seeks to mitigate against identified impacts, paying due consideration through design, layout, materials, appearance, scale and arrangement of incidental green spaces within the Site. However it still stands that with specific regard to policy provisions, whilst the Site and parts of its wider setting lie within the Ash Levels and this landscape character area elevates the sensitivity of the Site's setting, it is does not necessarily preclude sensitively designed development. Yet the proposed development itself does not appear sensitively designed at all. It is excessive in its size and scale, and fails to demonstrate a comfortable relationship to its surroundings.
- 4.52. It is considered that the proposals would fail to conserve or enhance the localised setting of the Site and its character, and would instead give rise to the perception (and reality) of development extending out beyond the

established settlement boundaries, into the wider rural setting of this part of the District.

- 4.53. It is held therefore that the proposals at this scale in this location cannot at present be shown to be integrated in this location without long term adverse effects upon the receiving landscape character and visual environment.
- 4.54. It is concluded that the proposals are at this stage unsupportable from a landscape and visual perspective.

HISTORIC ENVIRONMENT

- 4.55. Matters of concern surround the development on heritage and archaeological grounds. The Site lies within the Wantsum Channel and a Bronze Age/Iron Age field system has been identified to the north of the site area. Nearby is the site of Richborough Roman Fort and associated settlement, port and roads. The Fort is described by Historic England as *“perhaps the most symbolically important of all the Roman sites in Britain, witnessing both the beginning and end of Roman rule”*. Over 2,000 years old, it is of national and international importance. Impacts of the development on such must not be under-weighted, or otherwise understated.
- 4.56. The Representors lodge strong objection on heritage grounds, and refer to the well-developed specialist objections already lodged by a number of local and regional consultees who have provided comments on the heritage setting of the proposal, all raising detailed and serious concerns about the proposal.
- 4.57. The Kent Archaeological Society raises that the Site has complex archaeological sensitivities that require careful consideration and protection. The proposed development is likely to negatively impact the integrity of this cultural heritage site, which would be a great loss to the community. It records in greater detail that the excavation process and changes in groundwater levels resulting from the proposed development have the potential to cause irreparable damage or loss to these significant buried deposits. It raises second that the proposed development is likely to pose a threat to the integrity of an area of historic marshland located in East Kent. This marshland

was developed and managed throughout the Medieval and Post-medieval periods and is thought to be related to the structures and buildings that still exist in the area. It thirdly raises that the Richborough Roman site is the most significant feature in the area, and that the topography of the higher ground surrounded by wetlands is of utmost importance in understanding Richborough's unique place in British history, as it was the Roman's first place of landing, followed by the establishment of the Fort at Richborough. Any impact on views, both to and from the Richborough Roman site, will be considerable.

- 4.58. Likewise the Council for British Archaeology lodges substantive concerns that key views towards Richborough Bluff from the south, along the A257 between Ash and Sandwich, have not been evaluated. Appreciating the subtle raise in topography towards Richborough within the landscape is central to its significance as why the Romans chose this exact location to enter the British Isles. It notes that if solar arrays prevent the importance of this landscape remaining legible then we advise the site boundary should be reduced away from the east of the site, and further that the archaeological potential for significant deposits means archaeological evaluation should inform a detailed design of any potential scheme pre-determination.
- 4.59. The Dover Archaeological Group raises almost identical concerns, around impacts to and from Richborough; the significant damage that will be caused to a tract of historic east Kent marshland which is the product of many centuries of wetland development and management; the damage that may be caused by excavations and changes in ground-water levels to any archaeological remains preserved on the surface of the marsh or below its surface.
- 4.60. It likewise raises substantive concerns around the damage that may be caused by excavations and changes in ground-water levels to buried deposits of

palaeo-environmental interest that may preserve a record of the evolution of this portion of the formerly open waters of the Wantsum Channel.

- 4.61. It is critically important to note – and apportion significant weight – to the detailed response provided by the Roman Roads Research Association, lodged on 19 February 2024.
- 4.62. This comprehensive specialist report identifies and analyses in great detail how the proposed development would potentially cause serious damage to, or even destruction of, archaeology relating to a nationally important Roman road (possibly the very first one built in Britain) and associated major Roman engineering works. It clarifies that both the Geophysical Survey Report and the Archaeological Impact Assessment (AIA) submitted on behalf of the applicant contain critical errors and omissions with regard to the archaeological potential of the central part of the site and consequently the AIA’s conclusions with specific reference to the above-mentioned Roman road are incorrect.
- 4.63. This report must be referred to the relevant specialists within the Council for review and, to the appointed Planning Officer, for a balanced assessment of the scheme. The Representor considers with great concern that the proposed development is a very real and legitimate threat to both an accurate understanding of – and preservation and conservation – of aspects of this Site’s local, regional, national, and international heritage importance.
- 4.64. There is a clear and reasoned, specialist voice that emerges across each of these consultees, each of which raises serious concerns about the proposed development, and each of which lends significant weight to the view that this scheme is simply not justifiable in planning terms, not least on heritage grounds.
- 4.65. From within the structure of the County, Kent County Council – both in Heritage Conservation and Archaeological terms - has raised detailed concerns regarding the proposal, principally with two aspects of the scheme these being 1) its impact on the setting of nearby heritage assets, most

notably the important Roman site at Richborough; and 2) the direct impacts of the proposals on buried archaeological remains.

- 4.66. In the first case, it is supported wholly by the Representor that – in line with the comments of Kent County Council:

“We do not agree with the applicant’s conclusions about the degree of harm that the proposed solar farm would cause to the heritage significance of Richborough. The applicant suggests that the proposals will result in a minor-adverse impact to the scheduled Roman. In reaching such a conclusion the applicant has not adequately taken into account the contribution that the landscape of the former Wantsum Channel makes to our understanding and appreciation of Roman Richborough.”

- 4.67. This is a fundamental flaw in the application. Richborough is an irreplaceable heritage asset. An assessment of harm against it is essential in understanding the impacts of the development, and for multiple specialist archaeological advisors to reach such widely different views indicates a significant problem with the application as submitted. At the very least, it suggests a detailed unpacking of the Applicant’s case in greater detail, effectively re-running an assessment of the scheme against heritage and archaeological impacts. It would then require a revisiting of the entire proposal, if required.
- 4.68. In this regard it is the Representor’s view that across the application package, there are deficiencies in the reporting which render the Applicant’s case insufficient in parts. Here, the Archaeological Impact Assessment (AIA) prepared to support the proposal assesses archaeological potential as ‘negligible’ across the greater part of the site, with potential localised high potential. It states that the significance of these assets is not likely to exceed medium. Evidently this is not a view shared by those specialists who have already commented on the application, and in turn it calls into question the robustness of the application package as a whole. Whilst it is acknowledged that some professional disagreement does often occur within defined technical disciplines, the extent of such is often not so extreme on such an important matter fundamental to a robust assessment of a scheme of this

nature, in the setting of an intrinsically important site to national and international history.

4.69. As a second point, it is also agreed that – again in line with Kent County Council, that:

“we also do not agree with the applicant’s assessment of the effects of the development on buried archaeology”

4.70. And:

“Nor do we agree with their recommendations for how this might be addressed and mitigated. We suggest that there is a clear need for further information on buried archaeology to inform decision taking. We therefore recommend that further intrusive evaluation works are required before the application is determined.

4.71. The same response extends the scope of its serious concern further and specifically requests that:

- the views of Historic England are sought on the impact of the proposals on the setting of the scheduled monument, given that harm to the monument is serious;
- the proposals will harm the experience of visitors to the amphitheatre, and that English Heritage should be consulted on the scheme again in future, should the Applicant seek to amend it;
- The proposed development may also affect the setting of nearby listed buildings – and non-designated heritage assets, including those of local importance and value - and we recommend that the views of your council’s conservation officer are sought;

4.72. These requests sit alongside an extensive list of concerns and recommendations for a high volume of additional detailed specialist work to be undertaken by the Applicant in more accurately and robustly assessing the

Site’s context. These should be recorded in full by the LPA, and actioned accordingly.

4.73. In the context of the above, the Representor goes one step further and suggests that – given the centrality of these matters to the overall proposal and its very siting in this location, and the significant degree of concern regarding the heritage and archaeological impacts – the application should rather be withdrawn until these matters are adequately and robustly examined.

4.74. There is little merit in a continued assessment of a scheme that does not present a robust case in heritage terms, where this is a core facet of its overall acceptability or otherwise.

NATURAL ENVIRONMENT

4.75. In its current configuration, the Site is ‘greenfield’ in its composition, and biodiverse opportunities and habitats are proportionate to this. It is acknowledged that the development will involve a change in character across the Site, consistent with its proposed solar farm use.

4.76. A Preliminary Ecological Assessment has been submitted as part of the planning application, albeit as a stand alone chapter of the Environmental Statement. As a matter of transparency, this should be made clear to other representors who may not have had sight of the fullness of this report which

can be seen as somewhat 'hidden', although it is appreciated this is by no means intended by the Applicant.

- 4.77. At the time of writing, Dover District Council's Ecologist has not yet commented on the application as submitted, or it is at least not evident that the Council's ecologist has yet had chance to review the submitted material.
- 4.78. It cannot be assumed in the meantime that the conclusions of the Applicant's survey work, and the recommendations which follow, are the most appropriate in this case.
- 4.79. Whilst the Representor reserves full judgement until the Council's ecologist has had the opportunity to comment in full, it is noted that financial contributions have not yet been secured as part of any mitigation. Whilst this would usually follow as part of any legal agreements, commitment to such must be evident before any committee meeting reports are prepared. The Representor would welcome evidence of such – by way of draft legal agreement – as part of this application pack. It is imperative that financial contributions are made to mitigate the potential impacts to nearby coastal SACs; this is an essential step in addressing the recommendations of the PEA as submitted. This must be addressed, and until such a time it cannot be assumed that appropriate mitigation can be secured. Without this mitigation, the scheme should be refused at the earliest opportunity.
- 4.80. It is not yet clear that the development as proposed would yield a net gain in biodiversity – this must be clarified at the earliest opportunity, through independent review. Whilst not yet a part of adopted legislation nationally, there is a very clear direction of travel that needs to be reflected in applications for determination at this point in time. The Planning Statement confirms that a net gain exceeding 10% uplift in biodiversity values. This must be assessed.
- 4.81. The proposed development is extensive in its scale and development form. Whilst the net gain of such a proposal may on paper appear impressive in parts (namely 126.89% for hedgerows) this should not necessarily be taken as a wholesale benefit of the proposal without regard to the other impact(s) of

the development. A BNG uplift of 14.3% for habits and 17.33% for watercourses is also reported.

- 4.82. These figures are more in keeping with the minimum legislative aspirations for sites, and should themselves also be weighed against longer term harms to the biodiversity credentials of this large swathe of rural land. The weight of these benefits should be a balance, and there is concern around such matters. We note keenly that the BNG figures reported still need to be balanced against the elimination of this vast swathe of countryside, to some extent in a manner that cannot simply be measured by the BNG metric solely.
- 4.83. The Ash Levels are a significant ecological resource for the District. The adopted Ash Neighbourhood Plan grapples well with such matters, and notes that:
- “Ash lies wholly within the SSSI Impact Risk Zone for Stodmarsh National Nature Reserve (NNR) and Ramsar Site (SSSI), and Sandwich and Pegwell Bay NNR and Sandwich Bay Special Area of Conservation (also a SSSI). These sites have the highest level of legal protection of their wildlife and nature conservation value at both national and international level. Much of the Stour Valley marshes close to the river are under the government environmental scheme (Countryside Stewardship). These areas provide a vital corridor for birds migrating across England to and from mainland Europe and therefore has a wide range of biodiversity that supports them.*
- 4.84. Key species on the red list for protection that have been identified in the Neighbourhood Plan and their habitat requirements include
- **Turtledove** - Turtle doves rely on arable farmland to feed and prefer to nest in mature hedgerows, scrub and open woodland. Seeds such as chickweed and oilseed rape, as well as cereal grains, are important food sources.
 - **Woodpecker** - The species requires trees for nesting, but open ground for catching ants. Open areas close to woodland are ideal green-woodpecker

habitat.

- **Grey partridge** - prefer areas of open farmland. They tend to be absent from areas dominated by improved grasslands (fertilised), preferring a mixed farming or arable landscape. They will use field margins, arable crops and grass leys for cover and feeding habitat.
- **Yellowhammer** - The yellowhammer prefers a mixed farming landscape with well-managed hedgerows and scrub. In winter they favour winter stubbles, natural regeneration, game cover, livestock farmyards and feeding stations where grain cleanings have been left out for finches, sparrows and buntings.
- **Herring gull** - In winter it can be found on farmland, wetland and coastal habitats, inland landfill sites, playing fields, and reservoirs throughout the UK
- **House sparrow** - House sparrows tend to reside near villages and farmyard buildings. Nests are built from dry grass or straw.
- **Linnet** - On farmland, linnets can be found wherever there is a plentiful supply of seeds. Linnets and their chicks rely almost entirely on seeds throughout the year.
- **Duncock** - common in gardens, parks, hedgerows, scrub and along woodland edges. Dunnocks are shy birds, hopping about in low vegetation and around the edge of lawns, feeding on small insects, worms and seeds
- **Starling** - the nest is situated in holes in trees, buildings, in nest boxes and sometimes in holes in the ground. The nest is a loose cup-shaped accumulation of stems, leaves and other plant material. They like areas

with scattered trees, including parks and gardens. They also frequent cultivated areas and moorland. They are also seen in city centres roosting on buildings and in trees.

- 4.85. These identified species do not require the types of improvement provided for in the application submission, which amount to drainage ditches, reed beds, and willow car.
- 4.86. The Representor notes that the application is accompanied by a Glint and Glare Study. Whilst focused largely on matters of flight path at nearby Manston Airport, the impacts of glint and glare on migrating and commuting species also cannot be underestimated. It is exceptionally difficult to underplay the potential significance of such a major change in this Site's use at this scale for such species. The study does not appear to reflect on more localised patterns of travel behaviour, and for driver distraction as a result of the extensive scale of development proposed in this visible location.
- 4.87. It is the strong view of the Representor that a transitional site in this location, greenfield in nature already, should suitably respond to the wider aspirations and objectives to support biodiversity in the fullest sense, in a manner more suited to the wider landscape character of the site and setting. There is a recognised balance in providing for future and current energy production at all scales, but equally the siting of such within direct context of recognised – locally, regionally, and internationally – ecology habitat areas must be weighted accordingly, with emphasis of the likelihood of adverse impact(s) beyond the Site's demise, and at potentially longer term scales.
- 4.88. The whole application site area falls within a Biodiversity Opportunity Area under policy 14, again with a goal of conserving and enhancing the District's biodiversity and green infrastructure, including natural and semi-natural rural and urban green spaces, nature conservation sites, green corridors, parks and gardens, amenity green spaces, and to enhance ecological connectivity between them, delivering a net gain in biodiversity.
- 4.89. In this context and for the reasons outlined above it is absolutely imperative that a detailed independent appraisal of the survey work submitted is carried out, and likewise that the mitigation measures are interrogated fully. The

proposed development would change the Site forever, and the impact(s) of such can be assumed to also be long-ranging.

4.90. It is encouraged that CPRE, Natural England, Kent Wildlife Trust and other parties with a vested interest in the natural capital of the District are consulted. It is not clear that this has taken place as yet either to the full extent and / or on the basis of the accuracy or breadth of evidence which might best suit an application of this type and scale, and the Representor asks respectfully that the views of such are sought.

4.91. That said, the Representor does note the recent response from CPRE Kent, raising a substantive objection to the proposal, noting clearly that:

“While CPRE Kent does not routinely comment upon ground-mounted solar applications that are sensibly located and minimise the impact on the countryside, we do have particular concerns with respect to this proposal. We therefore object to this application”.

4.92. It is a marker of the degree of harm likely arising here, that a body of its own admission does not routinely comment on this nature of proposal has in fact made a detailed comment to the application. For reference, the Representor supports the scope and content of this objection, which in summary finds:

- That there is perceived conflict with the findings and recommendations of the DDC Landscape Character Assessment (2020);
- That there is extreme concern about the cumulative impact this proposal would have when considered alongside similar developments close by;
- That there is extreme concern about a gradual industrialisation of this part of the District, through piecemeal development;
- That the landscape impact of this development would be unacceptable when considered in isolation given its location within an area of prominent visibility. This includes the raised ridgeline north of Ash village,

footpaths EE92A and EE97 and the long views from the Richborough Roman Fort;

- That the adverse impacts cannot be addressed satisfactorily on a site of this size and character, and the suggested mitigation measures are not currently considered sufficient to mitigate for the landscape and visual impact;
- That the harm to the Richborough Castle setting has been potentially downgraded, or is otherwise at odds with other specialist opinion;
- That the Site constitutes a higher grade of agricultural land, with marked concerns around food security and the need for greater scrutiny of the BMV assessment presented;
- That the site is almost entirely within the Ash Level and South Richborough Pasture Local Wildlife Site (LWS), and alongside concerns around species impacted by the proposal further surveys, along with any proposed mitigation measures, will need to be submitted prior to the determination of the planning application, and that only upon completion of these surveys can a conclusion be reached as to whether the development will achieve a biodiversity net gain.

4.93. It is a central concern of Save Ash Levels that matters of ecology are unpacked in greater detail, and scrutinised fully prior to any positive decision being discussed or otherwise issued.

4.94. The Representor refers to earlier sections of this response, specifically noting conflict with Strategic Policy 13 and the Site’s Local Wildlife Site status.

4.95. With the above in mind, there is considered to be a substantial level of conflict with relevant government legislation or national and local policies seeking the protection and enhancement of biodiversity at the site-specific scale.

NEIGHBOUR AMENITY

- 4.96. The adopted development plan – alongside both the NPPF and emerging Local Plan as material considerations - is clear all new development should be compatible with neighbouring buildings and not lead to the creation of unacceptable living conditions through overlooking, noise, vibration, light pollution, loss of natural light, or sense of enclosure.
- 4.97. It is considered that the proposed development would fundamentally fail to reflect a similar relationship of built form and land uses elsewhere in this part of East Street or the broader areas of Ash, which are modest in their general layout, form, and scale as closely influenced by landscape setting in the open countryside.
- 4.98. There are comparatively few neighbouring residential uses, though this should not weaken or otherwise negate the significant arising impacts on residents nearby which adjoin or closely relate to this large Site in various configurations. These existing residential dwellings sit in relatively close proximity to the demise of the Site and given the proposed intensive land use (and its related highways, noise, visual, ecological, landscape, and other impacts) it is considered that there can be very few circumstances for development at the proposed scale to not cause an undue and onerous level of amenity impacts to the detriment of nearby residents.
- 4.99. The consideration and protection of amenity matters afforded to the existing dwellings is inappropriate to the type and nature of this development, reflecting the excessive scale, density, pattern, and grain of development.
- 4.100. Notwithstanding the presentation of a case made on behalf of the Applicant, there is considered to be a high amount of adverse amenity impact arising from the proposed scheme as submitted. The wellbeing and health disbenefits of the proposed development at this scale in this location should

themselves not be underplayed or otherwise neglected in an assessment of the scheme and its neighbour impacts.

- 4.101. Whilst the Applicant relays a number of proposed planning benefits and material planning considerations, these do not – and should not - justify a departure from the LPA's assumed position of support in the protection of all manner of material considerations, including the amenity and quality of life of nearby residents.
- 4.102. Rather the proposal will not clearly or demonstrably provide a high quality and well-designed form of development in a manner that will sit appropriately within the surrounding built environment and landscape context, duly informed by technical assessment of the Site's opportunities and constraints.
- 4.103. It is submitted that as the proposal fails to address the sensitivities of the surrounding area, and does not accord with the amenity-based policies of the adopted development framework for the District, and nor is it in keeping with the thrust of emerging Local Plan Policies and with Chapter 12 of the NPPF as material considerations, which collectively promote and support quality design and the integration of new development into the natural and built environments in a manner that would bring about no detrimental impact upon amenity for neighbouring or future occupants in accordance with relevant adopted and emerging Local Plan policies, as well as Paragraph 127 of the Framework.

HIGHWAYS

- 4.104. In weighing up the impact(s) of the proposed development it is imperative to consider transport impacts relating to the scheme. Although having been the subject of various revisions in recent months, the NPPF continues to recognise that transport policies have an important role to play in facilitating sustainable development and states that development should be focused in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 109 of the Framework states that developments should not be refused on transport

grounds unless there would be an “unacceptable impact on highway safety”, or the residual cumulative impacts of the development are ‘severe’.

- 4.105. In the context of this application relevant planning policies dealing with highways and transport matters include Policy DM11 and DM5. Relevant emerging policies primarily include Policies TI1, 2, and 3. These collectively seek to ensure that safe access to the Site can be achieved, that appropriate vehicular and cycle parking provision can be provided, and that the development would not lead to any unacceptable detriment on the highway network, and that future development is delivered in accessible locations within or in close proximity to existing towns and villages at an appropriate scale. To inform the application, a detailed Transport Statement has been prepared and forms part of this application.
- 4.106. There is at present outstanding technical objection raised by Kent County Council Highways which, as far as is visible on the public access system, not yet addressed in any capacity by the Applicant. This objection is wide-ranging in its scope. Whilst no sustained objection has been raised to the proposed access points, the practicalities of such are the source of considerable concern by KCC Highways as the statutory consultee, particularly around Cooper Street Drove which is an existing single lane access of some 200m in length with poor visibility. As highlighted by KCC, there simply is no point at which passing traffic may successfully do so, safely or even practically. HGVs would use this route – it is unheard of to expect large vehicles, let alone smaller vehicles, to reverse a potential distance of up to 200m to avoid road conflict. The extent of this issue is significantly underscored by the fact that this route includes for a blind bend, making this expected vehicle behaviour all the more unsafe. In terms of highways safety, this simply does not work and there can be no reasonable or sustained justification on the part of the Applicant for this. Alternatives may include for a one-way routing system, or for considerable widening. Neither of which appears achievable, and in any case would serve to further worsen the multitude of impact(s) resulting from the proposal in its current guise.
- 4.107. Due regard must be had to this point. The Applicant has yet to respond to this matter, and should be encouraged to review these plans in detail. Their

current access strategy – namely along Cooper Street Drove – is not feasible, nor is it technically or safely achievable. It must be addressed as a matter of urgency.

- 4.108. The same theme of inadequacy applies across the wider technical highways safety matters, again reflected in the KCC Highways response. The lack of hedgerow cutting to improve visibility is unacceptable, and serves again to underline the lack of attention to matters of highways safety. Whilst the Objector strongly refutes the proposed development of this scale in this location, efforts to minimise hedgerow loss should not be achieved in a manner such as this, which serve to increase the potential for vehicular and pedestrian accidents unnecessarily. Likewise the relationship of the proposed access opposite the East Street junction is also inadequate, and again must be resolved. Potentially recognising – and avoiding presentation of – inadequate visibility splays, the Applicant has yet to identify appropriate visibility splays on plan. This basic requirement must be shown on scaled plans, and revisited accordingly.
- 4.109. There is significant concern at this stage – on the basis of the plans submitted – that the highways strategy is inappropriately advanced, and lacks the necessary technical underpinnings to provide confidence in the safety of road users of all types, in the event that this development comes forward. Notwithstanding any of the wider benefits the Applicant refers to, this cannot come at the expense of the local community through road and highways safety matters.
- 4.110. It may well be that alternative options across the site area are possible, but no plans or reporting point to such. There is presumably a case that the Applicant’s preferred approach is that as presented, and even this appears substandard at present by way of a lack of technical feasibility to an appropriate level of justification.
- 4.111. Overall, there are deficiencies in the extent of information provided in respect of transport and highways matters. This is an inadequate response to the

site's proposed development, and must be rectified through supplementary information.

- 4.112. Significant work is required in convincing the Representor of the suitability of the proposed approach, and we invite a significant level of revision to respond to the KCC Highways response, which reflects our own position at this stage.
- 4.113. As such we consider that safe access to the site and other matters of highways safety has not yet been shown to the satisfaction of the statutory consultee, and in this scenario it cannot be that the proposal satisfies policy DM13 of the adopted Core Strategy, nor can it be shown to be in line with prevailing guidance per the NPPF, and likewise with emerging transport-related policies.

5. CONCLUSION

- 5.1. A number of key planning considerations have been identified and examined throughout this objection.
- 5.2. On balance, it is the case put forth by the Representor that the proposed scheme would fail to deliver an appropriate form and scale of development in this countryside location, which would in turn fail to be sympathetically related to existing residential development, the natural environment, the historic environment, and the landscape character of the Ash Levels.
- 5.3. Whilst the Applicant considers a strong case can be made for the delivery of a large-scale solar farm development, it is incorrect to assume that the proposed development of the Site for this renewable use at this scale in this location is an appropriate and acceptable basis for positive decision-making. This Site is undeveloped and a part of a wider valued and protected landscape, and the subject of unresolved objection from a number of parties including statutory consultees.
- 5.4. It is inappropriate at this stage to base the majority of this application around the lack of specific allocations for renewable energy development locations, seemingly at the expense and conflict with those seeking to protect landscape, ecology, and the overall countryside character of this part of the District.
- 5.5. There are hundreds of responses raising legitimate and robust objections to the scheme, without clear response from the Applicant.
- 5.6. There are considered to be a multitude of objectionable technical matters arising from this scheme. In this manner, the proposed development cannot be seen to provide for a promptly deliverable form of complementary development in this location that would respond well to the visual character of the site and its setting which includes the wider landscape context.
- 5.7. A suite of technical reports have been provided, each informing the type and scale of development proposed. Whilst the scheme nonetheless identifies a

technically justifiable form of development that it is not clear from the relevant Statutory Consultees that the proposal would not result in undue and / or unacceptable harm. There are unresolved technical objections, and in some cases a discernible lack of consultation to relevant third-party stakeholders and consultees. At present, the application must be refused pending further progress to the application, and particularly without clarification across a number of technical matters raised in this letter.

- 5.8. At the present time, the Representor concludes that the proposal does not accord with the objectives of the development plan for the District and – crucially – with the emerging provisions of its proposed allocation under the new Local Plan currently progressing towards adoption at some pace.
- 5.9. **With this in mind, it is respectfully requested that planning permission be refused in the strongest possible terms, at the earliest opportunity.**
- 5.10. Please do keep me updated as to progress on this application; we request that the opportunity to provide further comment is afforded to the Representor in due course, should matters progress further.