Planning Proof of Evidence of Steven Longstaff BA (Hons) MSc MRTPI

Prepared for EDF Energy Renewables Limited (Trading as EDF Renewables)

Land South of the M20, Church Lane, Aldington, Kent (known as East Stour Solar Farm)

PINS ref: APP/E2205/W/24/3352427

Ashford Borough Council Reference: 22/00668/AS

CD10:6

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Declaration

The evidence which I have prepared and provide for this appeal reference APP/E2205/W/24/3352427 in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

1. Qualifications and Experience

Qualifications

1.1 My name is Steven Longstaff, I hold a BA (Hons) degree in Geography and a Master of Science degree in Town Planning from Newcastle University. I have been a chartered member of the Royal Town Planning Institute (RTPI) since 2011.

Experience

1.2 I have over 17 years of experience in town and country planning work in England. I joined ELG Planning in 2007 based in the Darlington office where I have worked on a range of projects including residential, commercial, health, education, mixed use and renewable energy schemes. I act for a variety of clients including renewables developers, national housebuilders, developers, contractors and private individuals providing planning advice. I was appointed to ELG's board as a Director in January 2020.

1.3 I am currently ELG's lead on energy related projects and am working on a number of solar, battery storage and energy from waste schemes across England.

2. Introduction

2.1 My proof of evidence (PoE) has been prepared on behalf of EDF Renewables (the appellant) and relates to a Planning Appeal made pursuant to Section 78 of the Town & Country Planning Act 1990, in relation to:

> "*an application for the installation of solar farm with a generating capacity of up to 49.9MW comprising: ground mounted solar panels, access tracks, access tracks, inverter/transformers, substation, storage, spare parts and welfare cabins, underground cables and conduits, perimeter fence, CCTV equipment, temporary construction compounds and associated infrastructure and planting*".

2.2 The proposed development is known as the East Stour Solar Farm and is at land south of the M20, to the west of Sellindge and northeast of Aldington in Kent.

2.3 Neither I nor ELG Planning were involved in the Planning Application prior to its determination by Ashford Borough Council. I therefore rely on documents submitted during the application that were prepared by others.

2.4 I have visited the Appeal Site and the surrounding area on two occasions and am familiar with the policies in the Development Plan.

2.5 The Planning Application was refused planning permission on 29th April 2024 by Officers under delegated authority. The decision notice (CD1.20) identified 5 reasons for refusal (RfR):

> *"1. The proposed development would result in significant adverse individual and cumulative effects on landscape character and on visual amenity that cannot be appropriately mitigated. The development would also harm the amenity and experience of users of the public rights of way network and would cause less than substantial harm to the setting of designated heritage assets. The benefits of the proposed development would not outweigh these harms. The development would therefore be contrary to policies SP1, SP6, ENV1, ENV3a, ENV5, ENV10 and*

ENV13 of the Ashford Local Plan, policies AB4, AB10 and AB11 of the emerging Aldington and Bonnington Neighbourhood Plan 2030 and the provisions of the National Planning Policy Framework and National Policy Statements EN-1 and EN- 3.

2. *By reason of the insufficient information provided regarding the potential impacts of the development on the significance of heritage assets with archaeological interest, the development would be contrary to policy ENV15 of the Ashford Local Plan 2030, policy AB11 of the emerging Aldington and Bonnington Neighbourhood Plan 2030 and the provisions of the National Planning Policy Framework.*

3. *By reason of the insufficient information provided regarding the management of construction vehicles during the construction phase of the development, the applicant has failed to demonstrate that the proposed development would have an acceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe. The development would therefore be contrary to policies TRA7, TRA8 and ENV10 of the Ashford Local Plan 2030, policy AB10 of the emerging Aldington and Bonnington Neighbourhood Plan 2030 and the provisions of the National Planning Policy Framework.*

4. *By reason of the insufficient information provided regarding the mitigation and enhancement measures for badgers, breeding birds and brown hare, the applicant has failed to demonstrate that the proposed development would have an acceptable impact on protected species. The development would therefore be contrary to policies ENV1 and ENV10 of the Ashford Local Plan 2030, policy AB10 of the emerging Aldington and Bonnington Neighbourhood Plan 2030 and the provisions of the National Planning Policy Framework.*

5. *By reason of the absence of a Minerals Assessment, the applicant has failed to demonstrate that the safeguarded mineral deposit on the site is not being needlessly sterilised. The development would therefore be contrary to policy DM7 of the Kent Minerals and Waste Local Plan (2013 to 2030) as amended by the Early Partial Review (adopted 2020).”*

2.6 Following the refusal this appeal was submitted and validated by the Planning Inspectorate (PINs) on 21st October 2024. Through discussions on the Statement of Common Ground (CD9.1), the Council have confirmed that they will not be defending reasons for refusal 2, 3, 4, and 5 at the Inquiry.

2.7 In light of the Council's withdrawal of reasons for refusal 2, 3, 4 & 5, I do not specifically address them in this PoE.

2.8 It is noted that RfR1 essentially merges two issues, landscape and heritage into a single reason for refusal. It is important to note that they are not separate freestanding reasons for refusal.

2.9 The issues set out in the Inspectors post case management conference note are as follows:

- Landscape
- Heritage
- Planning

2.10 My PoE deals with the planning policy matters raised in regard to the main issues before the Inquiry and considers the compliance of the Proposed Development with the Development Plan, National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and other material consideration relevant to the Proposed Development. I will also address any matters raised by interested parties, the benefits of the Proposed Development and the overall planning balance.

2.11 Throughout this PoE I have referred to weight which I consider should be attributed to various material considerations and have used the following scale in ascending order:

- No weight
- Limited weight
- Moderate weight
- Significant weight
- Substantial weight

Other Proofs of Evidence

2.12 My evidence should be read alongside the other Proofs of Evidence that have been prepared including:

- Landscape & visual issues – John Ingham, Stephenson Halliday (CD10.2)
- Heritage – Rob Bourn, Orion Heritage (CD10.4)

Statement of Common Ground

2.13 My evidence should also be read in conjunction with the following Statements of Common Ground (SoCG):

- Main SoCG between Appellant and Ashford Borough Council (CD9.1)– 25/11/24
- Supplementary Landscape & Visual SoCG between Appellant and Ashford Borough Council (CD9.2) – 06/01/25
- Supplementary Reason for Refusal 2, 3 and 4 SoCG between Appellant and Ashford Borough Council (CD9.3) – 07/01/25

2.14 I reserve the right to respond to any further matters raised by the Council or Third Parties in due course.

3. Appeal Context

Appeal Site and Surroundings

3.1 A full description of the Appeal Site and its surrounding area is set out within the Main SoCG (CD9.1).

Planning History

3.2 The planning history of the Appeal Site is set out in the Main SoCG (CD 9.1), and I therefore do not consider it necessary to repeat this in my evidence.

4. The Appeal Proposal

4.1 The key elements of the Proposed Development are as follows:

- An array of ground-mounted solar photovoltaic panels;
- Panel frames at an angle of approximately 20o, with a maximum height of 3m and associated ground anchors and concrete 'feet';
- Upgrading and/or widening of existing access tracks, together with creation of a new access point to cross Church Lane and new access tracks;
- Up to 20 containerised inverter/transformer units of up to 6m long by 3m wide and 3m high;
- Up to three cabinets containing welfare facilities, security and solar farm control systems, and equipment for general maintenance and spare parts;
- Up to four substations of up to 6m long, by 3m wide and 3m high;
- Underground cabling between the panels and inverter/transformer units and between those units to the substations;
- A security perimeter fence in stock style with wooden posts and open wire mesh of up to 2.15m tall, together with creation of new gates and erection of CCTV cameras; and
- Up to three temporary construction compounds and temporary lighting.

5. Planning Policy Context

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (CD7.4) makes clear that development proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 As outlined in City of Edinburgh v Secretary of State of Scotland (CD6.12) and R v Rochdale ex p. Milne 2000 (CD 6.13) the local planning authority should have regard to the provisions of the development plan as a whole, for the purposes of deciding whether a permission or refusal would be in accordance with the plan. It is also recognised that it is not unusual for development plan policies to pull in different directions and that it would be difficult to find any project of any significance that was wholly in accordance with every relevant policy in the development plan.

5.3 The Development Plan for the Appeal Site comprises:

- Ashford Borough Local Plan adopted in February 2019 (CD3.1)
- Kent Minerals and Waste Local Plan 2013-30 adopted in September 2020 (CD3.2)
- Aldington and Bonnington Neighbourhood Plan adopted October 2024 (CD3.3)

5.4 I have focused on the specific development plan policies and other guidance that are referenced in the remaining reason for refusal (RfR).

Development Plan

5.5 The remaining reason for refusal refers to the following Local Plan policies:

- Policy SP1 – Strategic Objectives
- Policy SP6 – Promoting High Quality Design
- Policy ENV1- Biodiversity
- Policy ENV3a – Landscape Character and Design

- Policy ENV5 – Protecting Important Rural Features
- Policy ENV10 – Renewable Energy
- Policy ENV13 – Conservation and Enhancement of Heritage Assets

5.6 The Decision Notice (CD1.20) does not allege that the Proposed Development conflicts with any other policies in the Ashford Local Plan.

5.7 It is agreed in the SoCG (CD9.1) that the following policies are of relevance to the determination of the appeal:

- Policy TRA7: The Road Network and Development
- Policy TRA8: Travel Plans, Assessment and Statements
- Policy TRA9: Planning for HGV Movements
- Policy ENV3a: Landscape Character and Design
- Policy ENV3b: Landscape Character and Design in the AONBs
- Policy ENV4: Light Pollution and Promoting Dark Skies
- Policy ENV5: Protecting Important Rural Features
- Policy ENV6: Flood Risk
- Policy ENV9: Sustainable Drainage
- Policy ENV10: Renewable and Low Carbon Energy
- Policy ENV13: Conservation and Enhancement of Heritage Assets
- Policy ENV15: Archaeology

5.8 The remaining reason for refusal refers to the following Aldington and Bonnington Neighbourhood Plan (CD3.3) policies which were emerging at the time the Planning Application was determined and this appeal submitted but now form part of the Development Plan:

- Policy AB4 – Protection of Locally Significant Views
- Policy AB10 – Renewable and Community Energy
- Policy AB11 – Conserving Heritage Assets

5.9 The Decision Notice does not allege conflict with any other policies in Aldington and Bonnington Neighbourhood Plan.

National Planning Policy

5.10 The National Planning Policy Framework (NPPF) (CD3.4) sets out the Government's planning policies for England with the Planning Practice Guidance (PPG) (CD3.5) providing supporting guidance. Paragraph 5 of the NPPF recognises that the National Policy Statements (NPSs) form part of the overall framework of national planning policy and may be a material consideration in preparing plans and decision making on planning application. The Overarching National Policy Statement of Energy (EN-1) (CD3.12) and National Policy Statement for Renewable Energy Infrastructure (EN-3) (CD 3.13) are relevant material considerations in the determination of this Appeal.

NPPF

5.11 The remaining reason for refusal alleges that the Proposed Development is contrary to "*the provisions of the National Planning Policy Framework*" but it does not make specific reference to any sections or paragraph numbers.

5.12 The Main SoCG (CD9.1) set out the sections of the NPPF which are considered relevant to the determination of this Appeal and, as such, it is not considered necessary to re-iterate them here.

5.13 However, the weight to be attributed to the NPPF was not agreed. I consider that the NPPF is an important material consideration and substantial weight should be attributed to it in the determination of this planning appeal.

5.14 Since the submission of the appeal a new version of the NPPF has been published and whilst the relevant sections do not change some of the changes to the policies within the NPPF are of relevance to the consideration of the Proposed Development.

5.15 I consider the following paragraphs of the NPPF to be particularly relevance to the consideration of the Proposed Development:

"*165. To help increase the use and supply of renewable and low carbon energy and heat, plans should:*

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts)

b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

168. When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;

b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;

c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site.

Written Ministerial Statements

5.16 There have been a number of written ministerial statements since the election of the labour government which clearly set out the Government's direction of travel on renewable energy. This has been reinforced by recently determined 'called in' decisions where the need for renewable energy has repeatedly been given substantial weight in the

planning balance. The written ministerial statements are material considerations in the determination of this appeal, in line with paragraph 6 of NPPF, and provide further context for the Government's priorities. These include:

5.17 Statement by the Deputy Prime Minister on 30th July 2024 (CD3.21) on Building the Homes we Need. The Statement advises:

> "*Turning to green energy, boosting the delivery of renewables will be critical to meeting the Government's commitment to zero carbon electricity generation by 2030. That is why on this Government's fourth day in office we ended the ban on onshore wind, with that position formally reflected in the update to the National Planning Policy Framework published today. We must however go much further – which is why we are proposing to: boost the weight that planning policy gives to the benefits associated with renewables; bring larger scale onshore wind projects back into the Nationally Significant Infrastructure Projects regime; and change the threshold for solar development to reflect developments in solar technology*".

5.18 Statement by the Secretary of State for Energy Security and net Zero on 12th November 2024 relating to The UK's 2035 nationally determined contribution emissions reduction target under the Paris Agreement (CD3.22). The Statement advises:

> "*On Tuesday 12 November at the 29th UNFCCC conference of the parties (COP29) in Baku, the Prime Minister will announce the UK's 2035 Nationally Determined Contribution (NDC) under the Paris Agreement. This will commit the UK to reducing economy-wide greenhouse gas emissions by at least 81% by 2035, compared to 1990 levels, excluding emissions from international aviation and shipping.*
>
> ...
>
> *The UK's domestic action is the first crucial step to restoring UK international leadership on Climate Change. The clean energy transition is also the economic opportunity of the 21st century and will support the creation of hundreds of thousands of good jobs across the UK, protect our economy from future price shocks, while delivering a range of social and health benefits.*

That is why making Britain a clean energy superpower is one of the five missions of this Government - delivering clean power by 2030 and accelerating to net zero across the economy".

5.19 Statement by the Secretary of State for Energy Security and net Zero on 16th December 2024 relating to the Government's Clean Power 2030 Action Plan (CD3.24). The Statement advises:

"On Friday 13 December the Government published our Clean Power 2030 Action Plan. This is an important step towards delivering the Prime Minister's mission to make Britain a clean energy superpower, by achieving clean power by 2030 and accelerating to net zero across the economy and follows on from his Plan for Change speech this December.

.....

Key measures in the plan include cleaning up the grid connections queue by prioritising the most important projects and ending the "first-come-first served" system; speeding up decisions on planning permission by empowering planners to prioritise critical energy infrastructure; and expanding the renewable auction process to stop delays and get more projects connected".

Planning Practice Guidance

5.20 Common ground was not reached with the Council on the relevant sections of the PPG (CD3.5) and in particular that the following section is of most relevance to the consideration of the appeal.

"What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact

of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- *encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015.*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing; great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*

- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero."

National Policy Statements

5.21 The remaining reason for refusal alleges that the Proposed Development is contrary National Policy Statements EN-1 and EN-3 (CDs 3.12 & 3.13).

5.22 The agreed position on the National Policy Statements between the Council and Appellant is set out in the Main SoCG (CD9.1). However, the relevance of the following paragraphs was not agreed. I consider these to be of considerable relevance to the determination of the Appeal and should be given significant weight in view of the nature of the Proposed Development which sits just below the NSIP threshold of 50MW and, as such, the consideration of the potential effects of a scheme will be very similar.

5.23 Paragraphs 2.3.3 and 2.3.4 of EN-1 set out the Government's position on achieving net zero and also makes reference to small-scale development determined at a local level (i.e. not NSIP):

"*Our objectives for the energy system are to ensure our supply of energy always remains secure, reliable, affordable, and consistent with meeting our target to cut GHG emissions to net zero by 2050, including through delivery of our carbon budgets and Nationally Determined Contribution. This will require a step change in the decarbonisation of our energy system".*

Meeting these objectives necessitates ***a significant amount of new energy infrastructure, both large nationally significant developments and small-***

***scale developments determined at a local level**. This includes the infrastructure needed to convert primary sources of energy (e.g. wind) into energy carriers (e.g. electricity or hydrogen), and to store and transport primary fuels and energy carriers into and around the country. It also includes the infrastructure needed to capture, transport and store carbon dioxide. The requirement for new energy infrastructure will present opportunities for the UK and contributes towards our ambition to support jobs in the UK's clean energy industry and local supply chains*." (emphasis added)

5.24 The need for renewables is recognised in paragraph 3.3.62, where it states that "*Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure*". Paragraph 3.3.63 goes on to state:

"*Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible*."

5.25 Paragraph 5.10.5 of EN-1 acknowledges that, "*virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation"*.

5.26 EN-3 relates to renewable energy and paragraph 2.10.9 advises that:

"*The government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such, solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector*."

5.27 Much of the guidance contained in EN-3 outlining the considerations involved in the siting of a solar farm are similar to those outlined in the Planning Practice Guidance for Town and Country Planning Act applications.

5.28 However, EN-3 (CD3.13) also acknowledges when considering a typical 50MW solar farm that, "*this scale of development will inevitably have impacts, particularly if sited in rural areas*" (para 2.10.17).

5.29 EN-3 also provides further guidance on the importance of the grid connection in the viability of solar proposals.

> *"2.10.22 Many solar farms are connected into the local distribution network. The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development proposal.*
>
> *2.10.23 Larger developments may seek connection to the transmission network if there is available network capacity and/or supportive infrastructure.*
>
> 2.10.24 *In either case the connection voltage, availability of network capacity, and the distance from the solar farm to the existing network can have a significant effect on the commercial feasibility of a development proposal.*
>
> *2.10.25 To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs, applicants may choose a site based on nearby available grid export capacity".*

Other Material Considerations

5.30 The other material considerations are set out in the Main SoCG at paragraph 8.1 (CD9.1) so it is not considered necessary to re-iterate here.

5.31 However, there are a number of further material considerations set out above including the Ministerial Statements along with other Energy Policy & Guidance documents set out at paragraph 8.3 of this PoE.

6. Principal Planning Issues

6.1 The reasons given by the Council for refusing the planning application for the Proposed Development are set out on the decision notice dated 29th April 2024 (CD 1.20).

6.2 The Main SoCG (CD9.1) sets out the areas still in dispute as:

- Landscape and visual impacts – addressed in Mr Ingham's Proof (CD10.2)
- Heritage matters – addressed in Mr Bourn's Proof (CD10.4)

6.3 I outline a summary of their evidence below and consider compliance with the Development Plan and other material considerations in respect of these principal planning issues. I then address comments raised by third parties before outlining the benefits of the Proposed Development and providing an overall planning balance and conclusions.

Compliance with the Development Plan

6.4 The remaining reason for refusal relates to two main issues, which I consider to be:

- Impact of the Proposed Development on landscape & visual amenity; and
- The level of harm to significance of the Church of St Martin (grade I NHLE 1071208) and Court Lodge Farmhouse (grade II* NHLE 1071209) – as agreed in the Main SoCG (CD9.1).

Landscape & Visual Matters

6.5 RFR 1states that the Proposed Development would:

- result in significant adverse individual and cumulative effects on landscape character and visual amenity that cannot be appropriately mitigated; and
- harm the amenity and experience of users of the public rights of way network.

6.6 A Topic Specific Landscape and Visual SoCG (CD9.2) has been agreed between the parties which has narrowed down the issues which remain in dispute.

6.7 These matters are dealt with in Mr Ingham's evidence, but I have provided my conclusions on his evidence and an assessment against the relevant Development Plan policies.

6.8 The RfR lists a number of Development Plan policies which it is agreed are relevant to the consideration of the Proposed Development but are not the principal policies for the consideration of the landscape and visual matters raised in the RfR.

6.9 I consider that demonstrating compliance with the principal Development Plan policies relevant to landscape and visual matters will in turn demonstrate compliance with the other policies referenced (SP1 and SP6).

6.10 The RfR references Policy ENV1 (Biodiversity). I do not consider this to be relevant to the matters raised in the RfR and, as such, have not considered it further. It is also agreed in the Main SoCG (CD9.1) that subject to the appropriate conditions, impacts on ecology arising as a result of the Proposed Development are acceptable.

6.11 I consider the principal policies relevant to the landscape and visual issues raised in the RfR to be:

<u>Ashford Local Plan</u>

- Policy ENV3a – Landscape Character and Design
- Policy ENV5 – Protecting Important Features
- Policy ENV10 – Renewable & Low Carbon Energy

<u>Aldington & Bonnington Neighbourhood Plan</u>

- Policy AB4 – Protection of Locally Significant Views
- Policy AB10 – Renewable and Community Energy

6.12 Policy ENV3a (Landscape Character and Design) sets out a series of landscape characteristics that development proposals in the Borough must have regard to, which include, landform and drainage patterns, trees, woodlands, field boundaries, the pattern and distribution of settlements, roads footpaths, guidance in the Landscape Character SPD, and any features that are important and contribute to local landscape character.

6.13 No trees or hedgerows would be removed, there would not be any changes to the pattern and distribution of settlements, roads and footpaths and no important landscape components would be affected by the Proposed Development. Furthermore, the proposed mitigation planting would complement and reinforce the existing vegetation structure within the Site as concluded by Mr Ingham in his evidence.

6.14 Policy ENV5 (Protecting Important Features) states that all development in rural areas shall protect and, where possible, enhance a number of features which includes c) rural lanes; d) public rights of way and e) other landscape features that help distinguish the character of the local area.

6.15 In terms of rural lanes, the Proposed Development would not have any physical effects on any rural lanes. With regards to footpaths, the Proposed Development would not have any physical effects or restrict access to any PRoWs. Mr Ingham acknowledges that there would be an adverse visual impact on the users of some of the PRoWs but the routes themselves would be protected and mitigation proposals have been proposed to reduce the visual effects on the PRoWs as appropriate. All landscape features on the Appeal Site (such as mature hedgerows or trees) would be protected and most would be enhanced by the mitigation measures proposed as set out in Mr Ingham's evidence.

6.16 Policy AB4 (Protection of Locally Significant Views) refers to long distance views from the ridgeline and the main approaches to the villages that play a key role in the setting of settlements and identifies 13 locally significant views. As noted by Mr Ingham, the Proposed Development does not lie within the shaded arcs shown at figures 8, 9 and 10 of the Neighbourhood Plan which define the views. In relation to part A of the policy, Mr Ingham acknowledges that the Proposed Development would be partially visible from the

ridgeline between Church Lane and Goldwell Lane but has concluded that the effect would not be significantly harmful.

6.17 With regards to part B of the policy, Mr Ingham concludes that the Proposed Development does not lie within the shaded arcs shown on Figures 8, 9, & 10 although he recognises that is lies beyond the shaded arc in the direction of view 3. In terms of view 3, Mr Ingham has acknowledged that the Proposed Development would be partially visible from PRoW AE475 but concluded that the effect would not be significantly harmful. Moreover, the Proposed Development would not prevent an appreciation of the open panoramic views available from the ridgeline and would not obscure distant views towards the North Downs National Landscape.

6.18 The other main policies relevant to the consideration of the appeal on landscape and visual matters are Policy ENV10 of the Ashford Local Plan and AB10 of the Aldington and Bonnington Neighbourhood Plan.

6.19 Policy ENV10 (Renewable & Low Cabon Energy) is a permissive policy that supports the delivery of proposals that generate energy from renewable and low carbon sources subject to a number of criteria. Criteria a) relates to landscape matters and advises developments will be permitted provided that:

> *"the development, either individually or cumulatively does not result in significant adverse impacts on the landscape, natural assets or historic assets, having special regard to nationally recognised designations and their setting, such as AONBs, Conservation Areas and Listed Buildings*".

6.20 The principle of the policy is to promote renewable and low carbon energy within Ashford Borough as set out at paragraph 9.95 of the Ashford Local Plan (supporting text to the renewable energy policies) (CD3.1) which states:

> *"The NPPF (Para. 94) recognises the responsibility on all communities to contribute to energy generation from renewable and low carbon sources. LPAs are required to have a positive strategy to promote energy from renewable and*

low carbon sources as it helps ensure a secure more sustainable supply of energy that reduces carbon emissions minimising the impact of climate change"

6.21 An assessment against all the other criteria of the policy can be found at Appendix 3 of the Appellant's Statement of Case (CD8.1) but for completeness I have re-iterated the conclusions on these points below.

Requirement	Comment
a) *The development, either individually or cumulatively does not result in significant adverse impacts on the landscape, natural assets or historic assets, having special regard to nationally recognised designations and their setting, such as AONBs, Conservation Areas and Listed Buildings*	The Appellant's Statement of Case along with Mr Ingham's evidence and my evidence consider these issues in detail.
b) *The development does not generate an unacceptable level of traffic or loss of amenity to nearby residents (visual impact, noise, disturbance, odour)*	As demonstrated by the planning application and the Appellant's Statement of Case submitted with this appeal, the development does not generate an unacceptable level of traffic or less of amenity to nearby residents by virtue of visual impact, noise, disturbance or odour.
c) *Provision is made for the decommissioning of the infrastructure once operation has ceased, including the restoration of the site to its previous use*	This will be dealt with by a suitably worded condition.
d) *Evidence is provided to demonstrate effective*	Full public consultation and engagement was undertaken with the local community. Pre-

	engagement with the local community and local authority	application discussions along with EIA screening and scoping.

6.22 Policy AB10 (Renewable and Community Energy) of the Aldington & Bonnington Neighbourhood Plan essentially adds further criteria to Policy ENV10 of the Ashford Local Plan.

6.23 I consider that these two development plan policies outline the key tests upon which renewable energy schemes should be assessed in relation to landscape and visual matters. They are:

- Does the development either individually or cumulatively result in significant adverse impacts on the landscape or natural assets (Policy ENV10, criteria a)
- That any harm to the local landscape and environment should be minimised and, where necessary mitigated (Policy AB10, criteria i)
- Proposals should seek to screen installations naturally, taking into account views into the site from within the neighbourhood area, notably the ridgeline, and panoramic long views across the East Stour Valley (Policy AB10, criteria ii)
- Are existing rights of way retained? Where not possible, redirection within the site will be considered (Policy AB10, criteria iii)
- The benefits of renewable energy can be proven to outweigh the landscape and environmental impacts (Policy AB10, criteria v)

6.24 Mr Ingham's evidence concludes that significant effects on landscape character would be limited to the Appeal Site itself and the immediately adjoining fields to the west of the northern land parcel and south east of the western/eastern land parcels.

6.25 In terms of visual amenity, Mr Ingham concludes that the significant effects would be limited to a section of Church Lane and certain sections of the PRoWs as well as the two permissive footpaths.

6.26 In terms of private visual amenity, Mr Ingham concludes that significant effects would occur for residents in Bested House and the Paddock but considers that appropriate

mitigation measures have been incorporated into the design of the scheme to minimise these effects.

6.27 Mr Ingham has considered the potential worst case landscape and visual cumulative position in his evidence which would include the Stonestreet Green Solar NSIP for which the assessment finds that there would be some significant adverse combined effects on the character of the landscape within the East Stour Valley and Aldington Ridgeline LCAs. Mr Ingham concludes that in both the LCAs, one or other of the two projects would be locally significant but the additional effect of both projects would have a relatively small additional impact on any LCA. He considers that there are relatively few locations in the landscape where both schemes might be seen simultaneously. However, Mr Ingham acknowledges that along PRoWs AE475 and AE474 there would be some visibility of the both the Proposed Development and Stonestreet scheme either simultaneously or sequentially. Along these two routes, the cumulative visual effect would be slightly greater than if either scheme was constructed in isolation and the overall effect on these routes would be cumulatively significant. Mr Ingham concludes that a significant effect is likely as a result of the Stonestreet scheme in isolation and that the additional cumulative effect which could be attributed to the Proposed Development would only be minor.

6.28 In conclusion. Mr Ingham confirms that:

- He has not identified any overriding landscape sensitivities which indicate that the Appeal Site is not capable of accommodating the change proposed
- He considers the mitigation proposals to be proportionate and appropriate for the Proposed Development and complement the strategy for landscape enhancement in the host landscape character areas
- While he has identified some significant effects on landscape character and visually amenity, in his opinion, these effects would be limited, localised and occur in a landscape which is not recognised by landscape designation
- A degree of landscape and visual harm would arise but that this would not be disproportionate for the type and scale of renewable energy development proposed.

6.29 As set out in Mr Ingham's evidence, significant adverse landscape and visual effects are to be expected for any utility scale solar farm scheme.

6.30 As noted by Mr Ingham, landscape and visual effects that are described as "significant" in the ES (CD1.8) and SEI (CD1.14) are effects that have been deemed by the assessor to be material to the planning decision and significant adverse effects are not necessarily "unacceptable effects". Further guidance on this is provided within Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3) (CD4.2) published by the Landscape institute. It advises at page 8 that:

> "*It should be noted that judgements of significance are not judgements of acceptability considering the policy context, which is a matter for decision makers. For example, it may be the case that the LVIA concludes that a proposal would result in 'significant' adverse effects on receptors, but the proposal could still be considered acceptable when judged alongside other factors in the overall planning balance. Conversely, the LVIA could identify 'no significant effects' but the proposal could be found to be unacceptable when judged alongside other factors in the overall planning balance*"

6.31 On this basis, it does not follow that a Development Proposal which identifies individual or a number of adverse effects in landscape and visual terms should automatically be deemed unacceptable and conflict with Policy ENV10.

6.32 These are the effects that should be taken into consideration by the decision maker when making an assessment against Policy ENV10 and therefore whether those individual significant adverse effects, when considered together, amount to a significant adverse impact on the landscape in the context of a utility scale solar development.

6.33 At least some significant landscape and visual effects are inevitable for a utility scale solar project and any narrow interpretation of Policy ENV10 would therefore not be consistent with the objectives of the policy itself to promote renewable and low carbon energy.

6.34 In addition, NPPF paragraph 165a) (CD3.4) advises:

> *"To help increase the use and supply of renewable and low carbon energy and heat, plans should:*
>
> *a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts)"*

6.35 I interpret this to mean that policies relating to the supply of renewable and low carbon energy should provide a positive strategy for their delivery but ensure that adverse impacts are addressed appropriately not that proposals which result in significant adverse impacts must be deemed unacceptable.

6.36 The PPG (Paragraph: 013 Reference ID: 5-013-20150327) (CD3.5) also implicitly acknowledges that large scale solar schemes will inevitably result in landscape and visual impacts as it references the potential to mitigate such impacts. It also notes that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

6.37 Therefore, if a narrow interpretation of Policy ENV10 is taken, then the policy itself would be inconsistent with paragraph 165a) of NPPF and the PPG.

6.38 It would also not be consistent with NPSs which clearly supports the delivery of this type of renewable development whilst acknowledging the likely impacts.

6.39 Paragraph 5.10.5 of EN-1 (CD3.12) acknowledges that, "*virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation"*. It is noted that the project is not an NSIP but as set out earlier in this PoE, it sits just below the threshold.

6.40 NPS EN-3 (CD3.13) acknowledges that development of this scale will inevitably have impacts particularly if sited in rural areas (Para. 2.10.17. CD3.13).

6.41 In addition, there is a significant amount of guidance which supports the delivery of this type of development as set out at paragraph 8.3 of this PoE.

6.42 For the reasons outlined above and taking consideration Mr Ingham's evidence, I conclude that the Proposed Development does not conflict with Policy ENV10 when read as a whole.

6.43 Moreover, Part 5 of Policy AB10 of the Aldington & Bonnington Neighbourhood Plan (CD3.3) introduces a balance test which was not contained within Policy ENV10 i.e. a Proposed Development will be supported if the benefits of renewable energy can be proven to outweigh the landscape and environmental impacts (as well as meeting the other criteria of the policy).

6.44 Notwithstanding the conclusions of Mr Ingham in relation to the landscape and visual effects, the Proposed Development will deliver a substantial range of benefits as set out in Section 8 of this PoE.

6.45 I therefore consider that the substantial range of benefits that will flow from the development will more than outweigh the localised significant adverse effects on the landscape and visual amenity identified by Mr Ingham and the requirements of criteria v. of Policy AB10 of the Aldington and Bonnington Neighbourhood Plan are met.

6.46 Whilst not relevant to landscape and visual matters, I have also considered the Proposed Development against the remaining two criteria in part A of Policy AB10 as these were not considered in the Development Plan Compliance Assessment at Appendix 3 of the Appellant's Statement of Case (CD8.1) as the Neighbourhood Plan did not form part of the Development Plan at the time. I have concluded as follows.

6.47 Criteria iv requires there to be opportunities to provide a net gain in biodiversity. As agreed between the parties in the Main SoCG (CD9.1), the Proposed Development will deliver a range of biodiversity benefits including a net gain of 250.93 habitat units which equates to a 116.84% net gain on habitats and a net gain of 18.54 hedgerow units which equates to a 230.36 % net gain on hedgerows.

6.48 Criteria vi requires it to be demonstrated how land beneath or surrounding the panel will be managed and how the applicant has avoided land with high potential for agriculture ('Best and Most Versatile'). The ES (CD1.8) confirms that 85.4% of the appeal site is Grade 3b and the remaining 14.6% is Grade 3a. It also confirms that the developer intends to manage the grass under the solar arrays through grazing of livestock. There is no conflict between the parties on these points as set out in the Main SoCG (CD9.1).

6.49 I therefore consider that the Proposed Development does not conflict with policies SP1, SP6, ENV1, ENV3a, ENV5, ENV10 of the Ashford Local Plan and Policies AB4 and AB10 of the Aldington & Bonnington Neighbourhood Plan.

Heritage Matters

6.50 RfR 1 suggests that the development would cause less than substantial harm to the setting of designated heritage assets and that the benefits of the development would not outweigh this harm.

6.51 It is agreed in the Main SoCG (CD9.1) that the Proposed Development would result in less than substantial harm to the Church of St Martin and Court Lodge Farmhouse (both designated heritage assets).

6.52 While the Appellant and the Council agree that in relation to Church of St Martin and Court Lodge Farmhouse the level of harm to their significance is less than substantial, where that level of the harm sits on the less than substantial range is not agreed.

6.53 These matters are dealt with in Mr Bourn's evidence, but I have provided my conclusions on his evidence and an assessment against the relevant Development Plan policies and sections of the NPPF.

6.54 Mr Bourn's evidence concludes that, in heritage terms, the Proposed Development will have a minor adverse effect on the contribution that aspects of the setting provide to the Church of St Martin and Court Lodge Farm. The majority of the setting of the designated assets will be unaffected by the Proposed Development. The primary aspects of the

significance of the assets (i.e. the architectural and historical interest of their form and fabric) will be unaffected. Due to the very limited visual effect on their setting, the effect on the significance of the assets will be no more than minor. Mr Bourn considers this to be a less than substantial impact on the significance of the Church of St Martin and Court Lodge Farm. His view is that this effect is on the lowest end of the less than substantial harm scale as the significance of the designated assets is almost entirely unaffected.

6.55 The relevant policies to the consideration of this matter are Policy EV13 (Conservation & Enhancement of Heritage Assets) of the Ashford Local Plan and Policy AB11 (Conserving Heritage Assets) along with Section 16 of NPPF.

6.56 I consider that Policy ENV13 of the Ashford Local Plan sets out the same heritage tests as the NPPF.

6.57 Policy AB11 of the Aldington & Bonnington Neighbourhood Plan has four parts with part B states:

> *"B. Development proposals affecting designated heritage assets (Figure 17) either directly or indirectly, should preserve or enhance the significance of the asset, including those elements of the setting that do not contribute to the significance. This could include, where appropriate, the delivery of development that will make a positive contribution to, or better reveal the significance of, the heritage asset, or reflect and enhance local character and distinctiveness with particular regard given to the prevailing styles of design and use of materials in the local area. Proposals affecting non-designated heritage assets will be assessed having regard to the scale of any harm or loss against the significance of the heritage asset".*

6.58 The policy is, in part, similar in its wording to the first part of Policy ENV13 of the Ashford Local Plan but is written negatively rather than positively i.e. directing what development proposals should do rather than expressing how development proposals would be supported (as per the first part of Policy ENV13).

6.59 However, the first sentence of part B of the policy incorrectly applies the Setting of Heritage Assets guidance (CD5.2). The policy suggests that proposals should preserve or enhance the significance of designated assets, "*including those elements of the setting that do not contribute to the significance*".

6.60 As set out in Mr Bourn's evidence,

> *"By definition, if there are elements of an asset's settings that do not contribute to the significance of that asset, change within that aspect of the setting will have no effect on the significance of the asset and there will be no harm to that asset by development in that element of the setting. The need to preserve or enhance aspects of the setting that do not contribute to the significance would have no effect on the significance"*

6.61 If applied as written, the policy is suggesting that development would need to preserve or enhance the setting of a designated heritage asset even if the element of the setting affected did not contribute to the significance of the asset. This is not consistent with NPPF paragraph 213 which states:

> "*any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting, should require clear and convincing justification*".

6.62 In this case there would be a degree of conflict with Policy AB11.

6.63 However, Policy AB11 also does not include the latter parts of Policy ENV13 which provide for balancing harm against public benefits as set out in NPPF (Paragraph 215).

6.64 Paragraph 87 of the Bramshill Judgment (CD6.14) is of relevance where the Judge confirmed:

> *"I do not find those submissions persuasive. The absence of an explicit reference to striking a balance between "harm" and "public benefits" in the local plan*

policies does not put them into conflict with the NPPF, or with the duty in section 66(1). Both local and national policies are congruent with the statutory duty. The local plan policies are not in the same form as those for "designated heritage assets" in the NPPF. They do not provide for a balancing exercise of the kind described in paragraphs 193 to 196 of the NPPF, in which "public benefits" are set against "harm". But they do not preclude a balancing exercise as part of the decision-making process, whenever such an exercise is appropriate. They do not override the NPPF policies or prevent the decision-maker from adopting the approach indicated in them. They are directed to the same basic objective of preservation".

6.65 Policy AB11 does not therefore preclude a balancing exercise as part of the decision-making process and in line with Policy ENV13 of the Ashford Local Plan and Paragraph 215 of NPPF.

6.66 I have therefore assessed the Proposed Development against the Paragraph 215 of NPPF (which aligns with Policy ENV13) which states:

"*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*."

6.67 The PPG (Paragraph: 020 Reference ID: 18a-020-20190723) provides the following guidance on what is meant by the term public benefit:

"*Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit*"

6.68 I have set out the clear and substantial benefits that would be delivered by the development at section 8 of this PoE. These are agreed as being benefits between the parties in the Main SoCG (CD9.1).

6.69 Mr Bourn's position on the level of harm is clear but irrespective of where this sits on the spectrum, I consider that the public benefits associated with the energy generation and carbon off-set and delivery of a biodiversity net gain are substantial and will clearly help deliver the environmental objectives set out in NPPF.

6.70 Policy ENV13 and paragraph 215 of NPPF allow for less than substantial harm to weighed against the public benefits. For the reasons set out above I consider the requirements of these policies are met.

6.71 I consider that the conflict with Policy AB11 should be given limited weight as the NPPF and Local Plan policies have led to a different conclusion to the Neighbourhood Plan policy in demonstrating that the substantial public benefits outweigh the limited heritage harm.

6.72 In addition, the conflict with Policy AB11 arises largely owing to its inconsistency with NPPF in relation to the consideration of setting and significance further demonstrating that the policy should be given limited weight in the decision making process.

6.73 When considering the Development Plan as a whole it has been demonstrated that the proposals comply with the requirements of Policy ENV13 of the Ashford Local Plan and therefore paragraph 215 of the NPPF.

Other Matters

Overplanting

6.74 The Council has made reference in its Statement of Case (SoC) (paragraph 6.16) to the potential for overplanting in light of the 'Burnhope case'. It is noted that the commentary in the Council's Statement of Case (CD8.2) seems to focus on how any overplanting

could affect the actual number of panels, their density and land coverage and whether that would result in the potential for consequent landscape or heritage impacts.

6.75 At the CMC, the Inspector also raised a query in relation to the description of development stating that the generation capacity of the project would be "up to 49.9MW" in the context of the planning balance. I have dealt with these two issues below.

6.76 To address the Council's points, no overplanting will occur, as set out below, and the submitted plans (CD1.14.4) define the panel areas. These plans are what has been assessed in the ES (CD1.8) and considered by the Council as part of the planning application. However, the need for some flexibility was picked up in the letter to the Council dated 14th April 2024 submitted during the planning application (CD 1.18). It stated:

> *" We have recently been made aware, via solar industry groups, that planning permissions for solar projects are occasionally being issued with conditions which require "strict" accordance with drawings and schemes and that recent case law has made clear that this provides very little flexibility to allow for subsequent open market technology selection. Instead it is requested that the words "in accordance with" are used, which has been interpreted to allow such flexibility. This may also be subject to wording which allows final details to be submitted to and approved by the local planning authority (within the bounds of what has been environmentally assessed"*.

6.77 The suggested conditions being discussed include an 'approved plan' condition requiring the development to be carried out in accordance with the plans that the application was assessed against taking account of the suggestion above. In addition, a detailed design approval condition has been agreed to enable some flexibility over the final details which will need to be agreed prior to the commencement of development. As a result, we do not consider there to be any uncertainty around the issues raised by the Council at paragraph 6.16 of their Statement of Case (CD8.2).

6.78 Information on the proposed export capacity was provided by the Applicant during the course of the planning application in a letter from Engena (agents for the application) on 14th April 2024 (CD 1.18) which confirmed:

"The abovementioned case also highlighted that there are two lawful ways in which to calculate the electrical generating capacity of a solar farm and the applicant considers it helpful to clarify that in this instance the proposed capacity of 49.9 MW has been calculated using the combined AC capacity of installed inverters (as acknowledged by National Policy Statement EN3 (DESNZ, 2023a) Paragraph 2.10.53 as an appropriate capacity calculation method).

Through the lifetime of the project, its capacity will not exceed 49.9MW AC and therefore the proposal is not a nationally significant infrastructure project pursuant to the Planning Act 2008."

6.79 EDF have confirmed that the 252 inverters for the East Stour project will have a rated output power of 50.4MW AC (0.2MW * 252). PV system also includes low voltage AC cables from Inverters to Transformers and high voltage AC cables from Transformers to Point of Connection (PoC). These AC cables and transformers do introduce losses which typically would be around 3 to 4% limiting the rated power export to below 49.9MW AC.

6.80 Furthermore, EDF have also confirmed that all utility scale solar schemes have Power Plant Controller (PPC) as a mandatory requirement for National Grid to control the operation. PPC are programmed:

- To limit maximum export power to the grid connection agreement which for East Stour is 49.9MW AC
- To ensure the grid network can received reactive power support if needed

6.81 Therefore, even in the rare occasions when the environmental conditions may potentially generate more power than 49.9MW AC, the PPC will limit site output to 49.9MW AC.

6.82 It has therefore been demonstrated that the proposal does not allow for overplanting.

6.83 In terms of the point raised in relation to the description of development stating an export capacity of 'up to' 49.9MW, the 'up to' was added by the Council with the intention of

making it clear that the development fell within the Town & Country Planning Act to determine.

6.84 As demonstrated above and within the ES and SEI (CDS 1.8 &1.14), the scheme has been designed to achieve an export capacity of 49.9MW and EDF would be highly incentivised to generate at the maximum output making full use of the grid connection offer in this location.

7. Third Party Comments

7.1 I have sought to address the points raised by third party objectors submitted to the Planning Inspectorate since the appeal was lodged. I consider the key issues raised by third parties are as follows:

- Landscape & Visual Impacts of the proposed development
- Impact on Public Rights of Way
- Traffic Management during the construction phase
- Impact on ecology
- Impact on heritage assets
- Surface water management

7.2 I have addressed these points in turn below

Landscape & Visual Impacts

7.3 These matters have been considered in detail in the Appellant's Statement of Case (CD8.1) and Mr Ingham's evidence (CD10.2) and, as such, I have not re-iterated these here.

7.4 A number of the comments focus on why the appellants haven't sought an alternative site layout and removed panel from the part of Bested Hill closest to Aldington.

7.5 Detailed commentary of the design progression of the solar farm is set out in SEI chapter 11, Section 1 (CD1.14.2). This explains in detail how the layout of the solar farm evolved through the process including in response to consultation with local residents.

Impact on Public Rights of Way

7.6 These matters have been considered in detail in the Appellant's Statement of Case and Mr Ingham's evidence.

Traffic Management during the construction phase

7.7 These matters are comprehensively addressed in the Appellant's Statement of Case (CD8.1) from paragraphs 10.178 to 10.199 and, as a result of the submission of the additional justification these matters are no longer in contention between the parties.

7.8 It is common ground between the Council and Appellant that the issues raised in reason for refusal 3 are capable of being addressed through the Construction Management Plan and associated imposition of planning conditions.

Impact on ecology

7.9 These matters are comprehensively addressed in the Appellant's Statement of Case from paragraphs 10.200 to 10.232.

7.10 It is common ground between the Council and Appellant that chapter 10 of the ES alongside the Supplementary Ecology Information show that subject to the imposition of appropriately worded planning condition(s), impacts to ecology arising as a result of the Proposed Development are considered to be acceptable.

Impact on Heritage Assets

7.11 Matters relating to build heritage have been considered in detail in the Appellant's Statement of Case and Mr Bourn's evidence (CD10.4).

7.12 With regards to potential impacts on archaeology, further information has been provided and Kent County Council's Archaeologist has confirmed that the information has satisfied their concerns, it is now agreed between the Appellant and the Council that it has been demonstrated that, subject to imposition of appropriate planning conditions, impacts to archaeology arising as a result of the Proposed Development are considered to be acceptable.

Surface water management

7.13 The ES (CD1.8) is supported by a Hydrology and Flood Risk chapter and the application is also supported by a Flood Risk Assessment. The application also includes an outline drainage mitigation strategy featuring unconnected swales as a precautionary measure to capture run-off and provide attenuation. No objections have been raised to the Proposed Development by the Environment Agency or the Lead Local Flood Authority.

8. Planning Benefits

8.1 Paragraph 11 of the NPPF outlines the presumption in favour of sustainable development. Renewable energy can be recognised inherently as a form of sustainable development and in this case fulfils all three of the limbs of economic, social and environmental elements of sustainable development as set out within the NPPF.

8.2 The Proposed Development benefits from presumption in favour of sustainable development at a national and local level and as a clean renewable energy project, it is a form of development which is supported in principle.

Urgent Need for Renewable Energy

8.3 To provide context to the contribution that the Proposed Development would make to meeting the urgent need for renewable energy to contribute towards reducing greenhouse gas emissions, I have set out what I consider to be the key material considerations below. This is not an exhaustive list of relevant national level guidance but provides what I consider the key points to be:

- The Climate Change Act 2008 (as amended) (CD7.3) imposes a statutory requirement for the level of greenhouse gas emissions in the UK to be reduced to net zero by 2050.
- The UK's Parliament declared a climate emergency on 1 May 2019.
- The Net Zero Strategy of 2021(CD3.18) set out a commitment to achieve carbon free energy generation by 2035.
- The British Energy Strategy 2022 (CD3.19) states that the Government expect a five-fold increase in solar deployment from 14GW to 70GW by 2035.
- NPS EN-3 (CD3.13) confirms that, "*the government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050"* and that *"solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector"*.
- Written Ministerial Statements (WMS) set out at paragraph 5.16 to 5.19 of this PoE

- Clean Power 2030 Action Plan: A new era of clean electricity (December 2024) (CD3.23) which commits to delivering clean power by 2030.

8.4 In addition to the national context, there are a number of local Ashford Borough Council documents which are important material considerations:

- Ashford to Zero Plan: Our route to net zero carbon emissions – consultation draft (CD3.8) 2021 which makes a commitment to reach net zero carbon emissions by 2030 within its own estates and Borough wide by 2050
- Ashford Climate Change Strategy June 2022 (CD3.9) which includes a Climate Action Plan for meeting the 2050 target for Borough wide emissions. Priority 3 requires the reduction of reliance on fossil fuels for energy by increasing renewable energy generation and consumption
- Ashford Corporate Plan 2022 – 2024 (CD3.10) which sets out a commitment to reducing reliance on fossil fuels and also confirms that through the local plan process the Council will seek opportunities for renewable energy generation.
- Ashford: Our Plan for the Borough 2024 – 2028 (CD3.25) which confirms the commitment to reducing the use of fossil fuel and also that tackling climate change is urgent to help meet local, national and international targets to reduce the impacts of global warming

8.5 It is therefore clear that there is an immediate and pressing need for deployment of renewable energy generating infrastructure across the UK, which is intrinsically linked to the legally binding obligations to reach net zero by 2050 and the Government's intention to deliver clean power by 2030.

8.6 As set out in the SEI (CD1.14), it is predicted that the Proposed Development would offset the equivalent annual electricity needs of approximately 17,000 (to 3 S.F.) average Ashford Borough homes (based on average domestic consumption per household of 4,080kWh (DBEIS, 2022).

8.7 To put this in context, the 2021 Census advises that there is a total of 53,583 households in Ashford Borough, the Proposed Development would therefore power the equivalent of 32% of the homes in Ashford Borough.

8.8 From the displacement of electricity generated from fossil fuels, the Proposed Development would offset the emission of a significant quantity of pollutants, particularly carbon dioxide, into the atmosphere. Calculations set out in the SEI (CD1.14) advise the electricity produced by the East Stour Solar Farm will offset an updated equivalent of 14,300,000 kgCO2 per annum (to 3 S.F.).

8.9 The Proposed Development would make a significant contribution to meeting the targets outlined above. It would also contribute to the Council's aims of achieving net zero carbon by 2050.

8.10 I consider that the level of renewable energy generation is significant and the benefits that arise from it should be given **substantial weight** in the planning balance**.**

Location and Grid Connection

8.11 The Appellant has secured a grid connection to the adjacent Sellindge Converter Station. One of the most important factors in the delivery of a solar farm is the ability to have access to the distribution network whether it be the local grid network or the transmission network as recognised in NPS EN-3 (CD3.13).

8.12 Securing future connections to the grid are challenging and the significant wait times due to existing capacity being exhausted are well documented. Therefore, projects that have secured a grid connection are fundamental to achieving net zero targets.

8.13 I note a number of recent appeal decisions which have given weight to the availability of a swift grid connection and have summarised these below.

8.14 The Inspector in the Cutlers Green Lane appeal (ref: APP/C1570/W/23/3319421) considered the availability of a grid connection in her decision (CD6.4) and concluded:

> *"118. The availability of a connection to the overhead line and grid connection distance have been criticised. A grid connection offer has been secured at the Thaxted Substation, approximately 4km to the north east of the site. This will*

ensure that the development can quickly become operational without having to wait for a grid connection to be granted. Given the constraints in the availability of grid connections nationally, this is an important factor. It has been well documented recently that constraints on connection to the National Grid is causing significant delay in allowing projects to contribute to renewable energy goals.

...

141. Moreover, it seems clear that, in order to achieve the national, legally binding Net Zero target, a significant increase in renewable energy such as solar will be needed across the board. This applies even in areas where there are already a number of solar farm developments, subject of course, to the consideration of its impacts. As stated earlier a grid connection offer has been secured for this development. This will ensure that the development can quickly make a significant contribution towards these legally binding Net Zero targets. Accordingly, I give substantial weight to the generation of renewable energy, the contribution the development would make to a low carbon economy and the provision of low cost and secure energy."

8.15 I would also draw attention to the Secretary of State's view in the Great Wymondley appeal (ref: APP/X1925/V/23/3323321) (CD6.11) which at paragraph 31 advises:

"*31. Further to this, the Secretary of State agrees with the Inspector for the reasons given at IR12.79 and IR12.88 that the scheme's availability and deliverability and the urgency of addressing the climate crisis, are matters which lend significant support to the proposal, and he considers these matters attract significant weight*".

8.16 Paragraph 12.79 of the Inspectors Report referenced by the Secretary of State advises:

"12.79 The appeal site is available and deliverable. If planning permission is granted, it is expected that the solar farm would be connected to the grid by 2025-26. In contrast, the current lead-time for connection following a new request is 46 months [7.2]. An alternative scheme could, therefore, take up to two years longer to come on stream once a proposal had been prepared. Given the urgency of

addressing the climate crisis, that is a matter which lends significant support to the proposal".

8.17 The Proposed Development has a secured grid connection offer for 2026, but as a result of the planning delays an extension has been sought to push the connection to 2028 which is expected to be granted imminently. The publication of the Government's Clean Power 2030 Action Plan adds further weight to the benefits associated with the pre-2030 grid connection.

8.18 In addition, the Council in their Statement of Case have asked for confirmation on the timescale for delivery and confirmation of whether any additional works are required to facilitate a future connection to the National Grid.

8.19 EDF have confirmed that this is a deliverable project and subject to achieving planning approval will progress with the scheme in line with the 2028 connection date. EDF have also confirmed that agreed connection only requires NGET (National Grid Electricity Transmission) to install a 132kV switch gear with disconnectors and supporting equipment. The switch gear is the longest lead time idem NGET need to procure as part of the connection works at around 60 weeks.

8.20 The availability of a quick grid connection (well before 2030) significantly adds to the overall benefit of the scheme as it can be brought forward quickly to make the required contribution to our national and regional decarbonisation targets. In my view this should be given **significant weight** in the planning balance.

8.21 In terms of broader locational requirements, there are a number of other factors which weigh in favour of the Proposed Development including:

- The proximity to the grid connection which can be delivered pre-2030
- The site is not within a designated landscape nor is it Green Belt
- It is not allocated for any other purpose in the Ashford Local Plan
- The significant landscape and visual effects are localised
- The harm to nearby heritage assets is at the lower end of less than substantial

- 85% of the appeal site on land which is not best and most versatile agricultural land

BNG

8.22 As agreed between parties the Proposed Development will deliver a range of biodiversity benefits including a net gain of 250.93 habitat units which equates to a 116.84% net gain on habitats and a net gain of 18.54 hedgerow units which equates to a 230.36 % net gain on hedgerows.

8.23 I would draw attention to the Secretary of State's view in the Kenilworth appeal (ref: APP/T3725/V/23/3332671) (CD6.10) where she endorsed the Inspector view that the biodiversity net gain should be given substantial weight. Paragraph 25 of the Secretary of States decision advises:

> *"for the reasons set out at IR166-169, the Secretary of State agrees with the Inspector in affording substantial weight to the 135.9% BNG"*.

8.24 The biodiversity net gains from the Proposed Development are significant and should be given **substantial weight**.

Temporary & Reversible Nature of the Development

8.25 Solar farms are a temporary form of development and in this instance the Proposed Development will be in place for a temporary period of 40 years. In this case it will remain in continued agricultural use for grazing. After the lifetime of the development, the appeal site will be returned fully to its current use and, as such, any impacts associated with the Proposed Development will be temporary and reversable.

Wider Social and Economic Benefits

8.26 In addition to the clear benefits arising from the Proposed Development as a renewable energy scheme outlined above, the following site specific benefits will also arise from the Proposed Development.

8.27 Socio-economic benefits to local and national UK based contractors, including the supply of construction materials, accommodation and food for construction workers, and of course on construction, the owners of the land where the panels are located will benefit from rental payments, as well as service personnel for site maintenance, with further local demands for equipment and materials, and the payment of business rates for the completed solar farm.

8.28 In addition, EDF are committed to providing £20,000 to a community fund for the operational life of the development although it is acknowledged that this cannot be given weight as it is will not be secured by any planning permission.

8.29 Economic benefits in the form of job generation over the construction, operational and decommissioning phases. Though not quantified, there will be jobs generated in respect of the construction and decommissioning phases for work including civil engineering design, geotechnical ground investigations, civil works, onsite electrical network design, installation and commissioning, aggregate supply, haulage, plant hire and ancillary and tertiary sectors relating to supplies, accommodation, catering etc.

8.30 The wider social and economic benefit should be given **moderate weight**.

9. Planning Balance and Conclusions

9.1 This Appeal relates to a proposal by EDF Renewables (the appellant) concerning:

> "*an application for the installation of solar farm with a generating capacity of up to 49.9MW comprising: ground mounted solar panels, access tracks, access tracks, inverter/transformers, substation, storage, spare parts and welfare cabins, underground cables and conduits, perimeter fence, CCTV equipment, temporary construction compounds and associated infrastructure and planting*".

9.2 The Planning Application was refused planning permission on 29th April 2004 by Officers under delegated authority and a decision notice was issued (CD1.20) containing five reasons for refusal.

9.3 Following the refusal this appeal was submitted and validated by the Planning Inspectorate (PINs) on 21st October 2024. Through discussions on the Statement of Common Ground, the Council have confirmed that they will not be defending reasons for refusal 2, 3, 4, and 5 at the Inquiry. In light of the Council's withdrawal of reasons for refusal 2, 3, 4 & 5, I do not specifically address them in this PoE.

9.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 makes clear that development proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The scope of my evidence considers the compliance of the Proposed Development with the Development Plan and NPPF and whether there are any other relevant material considerations.

9.5 The Development Plan for the Appeal Site comprises:

- Ashford Borough Local Plan adopted in February 2019 (CD3.1)
- Kent Minerals and Waste Local Plan 2013-30 adopted in September 2020 (CD3.2)
- Aldington and Bonnington Neighbourhood Plan adopted October 2024 (CD3.3)

9.6 In addition, the NPPF is a significant material consideration, and a number of the National Planning Policy Statements are relevant to the appeal including NPS EN-1 and EN3 (CDs 3.12 & 3.13). For the reasons outlined in this PoE, I consider that these should be given significant weight in the determination of this appeal.

9.7 The Written Ministerial Statement by the Deputy Prime Minister on 30th July 2024 (CD3.21) clearly set out the Government's direction of travel on renewable energy. This has been followed up with the changes to NPPF and also the publication of the Government's Clean Power 2030: Action Plan in December 2024.

9.8 The remaining areas of disagreement with the Council are set out in the Main SoCG (CD9.1) and compliance with the following policies (as outlined in RfR) remains in contention between the parties. These policies are SP1, SP6, ENV1, ENV3a, ENV5, ENV10, ENV13 of the Ashford Local Plan and Policies AB4, AB10 and AB11 of the Aldington & Bonnington Neighbourhood Plan. The RfR also alleges conflict with the provisions of the NPPF but does not specify particular policies and National Policy Statements EN-1 and EN-3.

9.9 Section 6 includes an assessment of the principal planning issues which remain in dispute taking into account the evidence of Mr Ingham (CD10.2) and Mr Bourn (CD10.4). I have considered that evidence and concluded that the Proposed Development is consistent with the policies in the Development Plan and NPPF.

9.10 It is acknowledged in Mr Ingham's evidence that the Proposed Development will result in some significant effects on landscape character and visual amenity but that these effects would be limited, localised and occur in a landscape which is not recognised by landscape designation.

9.11 For the reasons outlined in the main body of the PoE, I conclude that the Proposed Development does not conflict with Policy EN10 when read as a whole and I also find that the requirements of Policy AB10 of the Aldington & Bonnington Neighbourhood Plan are met including that the substantial benefits of the Proposed Development outweigh the landscape and environmental impact.

9.12 It has been established in Mr Bourn's evidence that there would be less than substantial harm to the significance of the Church of St Martin and Court Lodge Farm. As such and in line with paragraph 215 of NPPF, the decision maker will need to balance the limited less than substantial harmful effect of the scheme against the public benefits of the scheme.

9.13 I have set out my assessment of the benefits of the Proposed Development in Section 8 and consider these to be substantial. I have also outlined the weight which I consider should be attributed to these benefits based on my professional judgement along with relevant case law and guidance.

9.14 I conclude that in view of the substantial public benefits that would be delivered by the Proposed Development the requirements of Policy ENV13 of the Ashford Local Plan and paragraph 215 of the NPPF are met.

9.15 I also consider that the substantial range of benefits outlined at Section 8 weigh heavily in favour of the Proposed Development in the planning balance. These benefits include:

- Meeting the urgent need for renewable energy
- Location and grid connection
- Biodiversity net gain
- Temporary and reversible nature of the development
- Wider social and economic benefits

9.16 In the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the NPPF (paragraph 11), I conclude that the scheme accords with the Development Plan when read as a whole and will deliver a substantial range of benefits. On this basis, the appeal should be allowed.