ASHFORD
BOROUGH COUNCIL

Statement of Case of the Local Planning Authority in respect of:

Land south of M20, Church Lane, Aldington, Kent

Appeal by:

EDF Energy Renewables Limited (trading as EDF Renewables)

Against refusal to grant full planning permission for:

Installation of a solar farm with a generating capacity of up to 49.9MW comprising: ground mounted solar panels; 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 scheme.

Appeal Reference: APP/E2205/W/24/3352427

Planning Application Reference: 22/00668/AS

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1.0 Introduction

1.1 This Statement of Case is submitted on behalf of the Local Planning Authority (the "LPA"), Ashford Borough Council ("the Council").

1.2 An application for outline planning permission (ref; 22/00668/AS) was made on 26 April 2022, for the following development:

"Installation of a solar farm comprising: ground mounted solar panels; 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 scheme."

1.3 To more accurately reflect that the development proposal did not comprise a Nationally Significant Infrastructure Project (NSIP) the description was amended, with the appellant's agreement, to the following:

"Installation of a solar farm with a generating capacity of up to 49.9MW comprising: ground mounted solar panels; 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 scheme."

1.4 Full planning permission was refused under delegated powers on 29 April 2024 for the following reasons:

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).*

1.5 The decision notice was issued on 29 April 2024. A copy of the Officer report ("the Officer report") have already been sent to the Planning Inspectorate ("PINS") with the Appeal Questionnaire.

1.6 The Officer report provides details of the statutory and non-statutory consultations and publicity undertaken as part of the application and the responses received. Copies of all the representations received have already been sent to PINS with the Appeal Questionnaire.

2.0 Appeal Site Context

2.1 A description of the appeal site ("the Site") and its surroundings is provided in the Officer report (paragraphs 1-10). There has been no material change to the Site or its surroundings since the Officer report was drafted.

3.0 Relevant Planning History

3.1 Although the Site itself is not subject to any relevant planning history the paragraph numbers of the Officer report referred to below make reference to the adjacent NSIP scheme (paragraph 66) and nearby Pivot Power BESS (Battery Energy Storage System) and SWECO Synchronous Condenser developments on adjacent sites (paragraph 154). Reference is also made to the existing solar development at Partridge Farm (paragraph 6). Further information on these developments is set out below.

3.2 Stonestreet Green Solar

Development Consent Order (ref. EN010135) submitted for 'Solar photovoltaic array plus energy storage with associated infrastructure and grid connection, with a generating capacity greater than 50MW.'

3.3 Field to West of National Grid Converter Station, Church Lane, Aldington, Kent, TN25 6AF

Full planning permission granted 04/08/2023 (ref. PA/2022/2544) for 'The laying out of a battery storage facility, intermediate substation, water storage tank, cabling, fencing, access tracks and associated drainage infrastructure on field to west of National Grid Sellindge Converter Substation.'

3.4 Land to the west of Sellindge Substation, Sellindge, Ashford, Kent

Full planning permission granted 16/08/2023 (ref. PA/2022/2950) for 'Erection of a synchronous condenser plant with ancillary infrastructure, access, landscaping and other incidental works.'

3.5 Land at Partridge Farm, Church Lane, Sellindge, Kent TN25 6EE

Appeal allowed 06/10/2015 (Appeal Ref: APP/E2205/W/15/300312506/10/2015) and full planning permission granted for '10MWp solar array and associated infrastructure together with temporary construction compounds.'

4.0 Relevant Planning Policy

4.1 The status of the Development Plan on the date the planning application was refused is set out in paragraphs 22-24 of the Officer report. Since then the status of the following Neighbourhood Plans, referred to in paragraph 23 of the Officer report, has changed:

(i) The Tenterden Neighbourhood Plan was adopted in October 2024.

(ii) The Pluckley Neighbourhood Plan was adopted in July 2024.

(iii) The Aldington & Bonnington Neighbourhood Plan was adopted in October 2024.

4.2 The Aldington & Bonnington Neighbourhood Plan is relevant to this appeal.

4.3 The planning policies and guidance relevant to this appeal are set out in the reasons for refusal under paragraph 1.4 above and are referred to in the LPA's response to the Appellant's Statement of Case ("SoC") below.

5.0 Response to the Appellant's Statement of Case

5.1 The following sections set out the LPA's response to the Appellant's SoC referring to each of the reasons for refusal ("RfR") in turn.

5.2 Following PINS Guidance, this Statement does not repeat or duplicate the Officer report, but for completeness this Statement should be read alongside the Officer report, with both documents forming the LPA's Statement of Case.

6.0 RfR1 – Impacts on landscape character / visual amenity / Public Rights of Way / heritage

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.

6.1 The planning policy and guidance relevant to RfR1 are:

National Planning Policy Framework (NPPF) December 2023

Section 2 Achieving sustainable development
Section 8 Promoting healthy and safe communities
Section 11 Making effective use of land
Section 12 Achieving well-designed and beautiful places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

Design: process and tools
Effective use of land
Renewable and low carbon energy
Climate change
Healthy and safe communities
Natural environment
Historic environment

Ashford Local Plan 2030

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 and Low Carbon Energy
Policy ENV13 Conservation and Enhancement of Heritage Assets

Aldington & Bonnington Neighbourhood Plan 2024

Policy AB4 Protection of locally significant views
Policy AB10 Renewable and community energy

Policy AB11 Conserving heritage assets

Other Material Considerations

National Policy Statements EN-1 and EN-3

ABC Renewable Energy Planning Guidance Note 2, 2013

Landscape Character SPD, 2011

Landscape Character Study, 2005

Public Green Spaces and Water Environment SPD, 2012

Planning (Listed Buildings and Conservation Areas) Act 1990

Impacts on landscape character

6.2 In relation to the consideration of landscape and visual matters, the Council will argue that the evidence presented in the ES and SEI does not provide a sufficient basis for assessment of landscape character and visual effects.

6.3 Over the course of the assessment of the planning application the Council has sought further information from the Appellant, including to ensure that the LVIA methodology provides a more comprehensive and detailed explanation which is more consistent with best practice guidance, principally that set out in 'Guidelines for Landscape and Visual Impact Assessment (GLVIA3)' published by the Landscape Institute and Institute for Environmental Assessment (Third edition, 2013) **(APP4.1)** and Technical Guidance notes issued by the Landscape Institute.

6.4 A key concern raised by the Council throughout the discussions with the Appellant has been the combined assessment of landscape character and visual effects in both the assessment of impacts and effects associated with the scheme itself and the assessment of cumulative impacts. Table 11.2 of the April 2022 ES **(APP 1.8.3)** is the principal point of reference as to the assessment of impacts and effects. This Table combines assessment of effects on landscape character and visual amenity by reference to the 12 viewpoints. This combined consideration of Landscape Character and Visual Amenity is continued in the discussion relating to the approach to the Visual Analysis below. In the Council's view the Appellant's approach to the combined assessment confuses landscape and visual effects, which as outlined in GLVIA3, are distinct and the LVIA '*must deal with both and should be clear about the differences between them*' (GLVIA3 paragraph 2.21). It would normally be expected to have a clear presentation of landscape and visual effects in separate tables with text explaining the reasoning behind the conclusions and judgements as to landscape and visual effects.

6.5 There is a Site Description in Paragraphs 11.22 to 11.28 of the ES and extensive extracts from the various published Landscape Character

Assessments relevant to the assessment. There is, however, very limited discussion of individual features within and surrounding the Site (condition, landscape pattern, land use and cover, contribution to local ecology, etc.) and the degree to which the character and appearance of the land affected by the proposals reflects key characteristics of the relevant local landscape character areas.

6.6 Paragraph A2.36 of the Method of Assessment (Appendix 11.1 to the SEI) **(APP1.14.3)** provides an extensive list of characteristics and considerations to the assessment of the landscape character of each landscape unit or receptor. There is, however, very limited evidence as to how these Key Characteristics and Aesthetic and Perceptual Factors relating to the Site itself have informed the assessment.

6.7 Table 11.2 also does not include an assessment of the susceptibility of the landscape and visual receptors to the proposed change of use. This is referenced in the SEI LVIA methodology and is a critical stage in the impact assessment to inform assessment of effects.

6.8 The discussion of the impacts and effects on Viewpoint 13 in the Table in Section 3 of the SEI does provide more discussion and some distinction in the assessment of effects on landscape character and visual amenity, but even in this table the assessment of effects on landscape character focuses on the visibility of the scheme as opposed to the impact on landscape fabric and character.

6.9 There is, therefore, very limited description of the landscape characteristics of the Site, what might be termed the landscape fabric, which should inform an assessment of landscape impacts and effect. Whilst the SEI LVIA provided some further supporting baseline assessment information in this context, the absence of a detailed analysis of the baseline conditions and representativeness of the site itself in the context of the published Landscape Character Assessments makes it difficult to understand the assessment of effects. The Council considers that there will be significant adverse effects on landscape character for the duration of the scheme and the impact assessment in the ES does not reflect this in full. Further evidence on this will be presented at the Inquiry.

<u>Visual impacts</u>

6.10 The Council's case will include reference to the limited number of representative viewpoints which are considered to be inadequate to inform a representative assessment of impact on views and visual amenity for a scheme of this scale, geographical extent and duration in this location. Single viewpoints from key receptors such as PRoW AE457 and Church Lane, are insufficient to be representative of the impact of the scheme on these receptors. There is also a complete absence of viewpoints from PRoW AE459, which would traverse the proposed area of solar panels east of Church Lane which is currently open farmland and also from a number of locations to the north, south, east and west, in particular, which

the ZTV suggests may have views of the site.

6.11 The Council will also argue that the absence of winter photography is also unacceptable. The Appellant's SoC comment that this would depict the "worst case scenario" should also reflect the fact that winter photography would reflect the character and appearance of views for around 4 months of the year when trees are not in leaf. There should not be a reliance on the timing of the Inquiry to enable the Inspector to undertake a site visit during the winter months, as suggested at 10.14 of the Appellant's SoC. It should be noted that the Council has had to rely on the information supplied by the Appellant in determining this application, which does not include winter photography.

6.12 The concern is that with such limited coverage in terms of representative viewpoints, the lack of viewpoints from key visual receptors which would be affected by the scheme (in particular PRoW AE459) and the lack of winter photography the visual impact assessment does not provide a true representation of the magnitude and geographical extent of visual effects.

6.13 The Landscape and Visual Assessment in Table 2 of the ES and the Cumulative Assessment in Section 3 of Chapter 11 of the SEI do identify a number of significant adverse effects and these are stated in the Tables. Concerns have been raised as to the effectiveness of mitigation in reducing landscape effects over time and how this has informed some of the judgements as to the impacts and effects after 10 years. In the Council's view the visualisations provided by the Appellant demonstrate the nature of the impacts and effects and a number of the judgements provided in the ES and SEI as to the impact and effects of the scheme, both at Year 1 and Year 10, do not reflect the change to visual amenity evidenced in the visualisations and landscape character and over-emphasise the anticipated effectiveness of mitigation.

6.14 The Officer's report (**APP 1.19**) includes a response to the judgements on impacts and effects in relation to individual viewpoints, in particular with regard to the effectiveness of mitigation in reducing impacts and effects. A more detailed response on these matters will be presented in the evidence to the Inquiry for each individual viewpoint, but the criticism raised throughout the consideration of this application that the proposed mitigation is inadequate for a proposal of this scale, geographical extents and duration remains. The Council will argue that the applicant has not demonstrated that any harm to the local landscape and environment has been minimised and where necessary mitigated.

6.15 In the Council's view the generally open and undulating characteristics of the rural site are sensitive to the proposed development which would comprise a regular arrangement of long rows of metal and glass panels. The proposed development would have a utilitarian appearance out of keeping with the rural agricultural context and character of the site and surroundings. The mitigation planting would not overcome this harm or reduce the significant adverse effects on landscape character.

6.16 The Council is also concerned that the actual number of panels and their consequent density and land coverage may not be controlled by the planning permission and the submitted layout plans are not detailed. It is understood there is a practice of 'overplanting' solar panels so that the installed capacity is larger than the generator's grid connection. It therefore cannot be assumed that the ultimate appearance of the scheme will be as illustrated. The Council would wish to explore these matters with the Appellant, in particular what (if any) overplanting is proposed, the reason/s for it, whether it is reasonable, how it can be controlled and what the potential consequent landscape impacts, including cumulative landscape impacts are (as well as effect on heritage impacts and PROWs).

Impacts on built heritage

6.17 The Council and the Appellant are in agreement that the proposed development would cause harm to the significance of designated heritage assets of high national importance. Contrary to the Appellant's SoC which states that the level of harm would be at the lowest end of the 'less than substantial' scale, the Council will provide expert heritage evidence that the siting, scale and visual impact of the proposed development would result in a level of harm at the higher end of the 'less than substantial' scale. As above, the Council will wish to explore the effect of 'overplanting' on heritage harm.

Impacts on PRoWs

6.18 The Council will argue that the proposed development would harm the amenity and experience of users of the public rights of way network. It will identify the importance and contribution of public rights of way networks to local communities and the requirement for them to be protected and enhanced. It will also draw on Kent County Council's evidence as the Highway Authority for public rights of way to identify the construction, operational and decommissioning phase impacts from the development on the user experience, including through changes to the natural environment and views, impacts on tranquility and ambience and creation of user stress through route uncertainty and safety concerns.

6.19 The Council will argue that the harm is not and cannot be appropriately mitigated within the layout proposed. The appellant's SoC identifies the proposed landscape and visual mitigation, including measures that did not form part of the planning application and were not subject to any public consultation. Paras. 10.35.1 and 10.35.2 refer to the provision of two new permissive footpaths. The proposed permissive paths are identified as offering alternative routes; the Council will argue that they would neither improve or enhance the public right of way network in this location. The Council will also argue that the proposed planting would fail to provide appropriate mitigation for the visual, landscape and amenity harm over the lifetime of the development. The revised Mitigation Plan (SEI Figure: 11.9

Revision B) also makes provision for new hedgerow planting. Notwithstanding any longer term screening benefits from new hedgerow planting, the Council will argue that the location of new hedgerows would result in the subdivision of existing fields that would cause harm to the legibility of historic field parcels.

6.20 The appellant's SoC includes an analysis of cumulative effects on landscape character and visual amenity; the Council will argue that the cumulative effects of multiple developments on the amenity and quality of the experience for users of the public right of way network in this rural location is also relevant and would be significant and harmful.

6.21 Again, the Council is mindful that the submitted layout plans are not detailed and that the Appellant has not addressed the issue of potential overplanting. In the absence of any controls on final development design it cannot therefore be assumed that the ultimate appearance will be as illustrated or that the judgements and conclusions reached regarding the environmental impacts can be relied upon.

6.22 The Council will argue that the cumulative harm to landscape character and visual amenity and to the amenity and experience of users of the public rights of way network and to designated heritage assets would not outweigh the benefits of the development.

7.0 RfR2 – Impact on archaeology

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.

7.1 The planning policy and guidance relevant to RfR2 are:

National Planning Policy Framework (NPPF) December 2023

Planning Practice Guidance (NPPG)

Ashford Local Plan 2030

Policy ENV15 Archaeology

Aldington & Bonnington Neighbourhood Plan 2030

Policy AB11 Conserving heritage assets

7.2 Kent County Council as archaeological advisors to the LPA objected to the

planning application. Their objection related specifically to the absence of information relating to the potential impact of the development on the significance of archaeology and the absence of a mitigation strategy.

7.3 Since submission of the appeal, the Appellant has agreed to submit further information relating to the archaeological investigation works undertaken to date to address RfR2. In the event that Kent County Council are satisfied with the further information to be submitted then the LPA would be willing to enter into a Statement of Common Ground in respect of RfR3, which would lead to the withdrawal of this RfR relating to impact on archaeology.

8.0 RfR3 – Impact on highways

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.

8.1 The planning policy and guidance relevant to RfR3 are:

National Planning Policy Framework (NPPF) (December 2023)

Section 9 Promoting sustainable transport

Planning Practice Guidance (PPG)

Travel Plans, Transport Assessments and Statements

Ashford Local Plan 2030

Policy TRA7 The Road Network and Development

Policy TRA8 Travel Plans, Assessments and Statements

Policy ENV10 Renewable and Low Carbon Energy

Aldington & Bonnington Neighbourhood Plan 2030

Policy AB10 Renewable and community energy

8.2 Kent County Council as local highway authority objected to the planning application. Their objection related specifically to the absence of

information relating to the management of construction vehicles during the construction phase of the development.

8.3 Kent County Council has reviewed the appellant's SoC and is satisfied that any impacts arising from the management of construction vehicles during the construction phase of the development can be adequately mitigated through submission and approval of a Construction Management Plan prior to any commencement of development on the site.

8.4 The LPA has advised the appellant that if an appropriately worded condition can be agreed in collaboration with Kent County Council, then the LPA would be willing to enter into a Statement of Common Ground in respect of RfR3, which would lead to the withdrawal of this RfR relating to impact on highways.

9.0 RfR4 – Impact on protected species

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.

9.1 The planning policy and guidance relevant to RfR4 are:

National Planning Policy Framework (NPPF) (December 2023)

Section 2 Achieving sustainable development

Section 15 Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

Design: process and tools

Light pollution

Natural Environment

Ashford Local Plan 2030

Policy ENV1 Biodiversity

Policy ENV10 Renewable and Low Carbon Energy

Aldington & Bonnington Neighbourhood Plan 2030

Policy AB10 Renewable and community energy

Other Material Considerations

Dark skies SPD, 2014

9.2 Kent County Council as ecological advisors to the LPA objected to the planning application. Their objection related specifically to the absence of information relating to the potential impact of the development on protected species.

9.3 Kent County Council has reviewed the Appellant's SoC and is satisfied that any impacts on protected species can be adequately mitigated through submission and written approval of details prior to commencement of any development on the site.

9.4 The LPA has advised the appellant that if appropriately worded conditions can be agreed in collaboration with Kent County Council, then the LPA would be willing to enter into a Statement of Common Ground in respect of RfR4, which would lead to the withdrawal of this RfR relating to impact on protected species.

10.0 RfR5 – Impact on minerals safeguarding

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).

10.1 The planning policy and guidance relevant to RfR5 are:

National Planning Policy Framework (NPPF) (December 2023)

Section 17 Facilitating the sustainable use of minerals

Planning Practice Guidance (PPG)

Minerals safeguarding

Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).

DM7 Safeguarding Mineral Resources

10.2 Kent County Council as minerals and waste planning advisors to the LPA objected to the planning application. Their objection related specifically to the absence of information relating to the potential impact of the

development on safeguarded mineral deposits.

10.3 Kent County Council has reviewed the appellant's SoC and Mineral Safeguarding Assessment (MSA) and concurs with it's conclusions. It is unlikely that the River Terrace Sand and Gravel deposits are, in all probability, marginal and thus non-viable, coupled with the fact that the current reserve base is demonstrating that further supply in the form of allocations to meet demand over the KMWLP plan period to 2039 is unnecessary.

10.4 With regard to the Hythe Formation (Kentish Ragstone) the MSA acknowledges that reserves are insufficient for maintaining appropriate supply over the Plan period to 2039. Although the MSA does not include an investigation into whether the affected deposit is a viable deposit, the MSA adopts the precautionary default position which assumes that it is. The MSA then examines if the potential resource can be prior extracted without adverse impact on the environment and the local community and concludes that it would cause significant highways impacts. Therefore, the MSA invokes Policy DM9 of the KMWLP in that any prior extraction would not be acceptable for the reasons of adverse impacts. On the basis that the sterilisation would not be permanent, and that it is likely that any significant prior extraction would have significant impacts Kent County Council are satisfied that the development would not result in the needless sterilisation of the existing mineral resource found beneath limited parts of the Site.

10.5 The LPA has advised the appellant that the development would not be contrary to the Kent Minerals and Waste Local Plan (2013 to 2030) as amended by the Early Partial Review (adopted 2020) and that the LPA would be willing to enter into a Statement of Common Ground in respect of RfR5, which would lead to the withdrawal of this RfR relating to impact on safeguarded minerals.

11.0 Planning Balance

11.1 As set out in RfR1, the LPA will demonstrate that the proposed development would harm the landscape character and visual amenity of the area and would be harmful to the Public Right of Way network and harmful to designated heritage assets.

11.2 If the Appellant can satisfactorily address the concerns raised by Kent County Council in respect of archaeological matters then this would lead to the withdrawal of RfR2.

11.3 The LPA and the appellant will continue to work together to draft appropriate planning conditions to address the concerns raised by Kent County Council in respect of highways and ecological matters in the anticipation this would lead to the withdrawal of RfR3 and RfR4.

11.4 The LPA withdraws RfR5 as set out above.

11.5 Paragraph 12.11 of the Appellant's SoC lists the material benefits they consider weigh heavily in favour of the proposed development, including (para. 12.11.4) 'Location and Grid Connection'. Paragraph 12.21 of the Appellant's SoC states that a grid connection has been secured for 2028. The Council requests the Appellant provides evidence of the grid connection agreement, the timescale for delivery, and confirmation of whether any additional works to facilitate a future connection to the National Grid are required as this is relevant to the weight the Appellant considers should be attributed to this matter.

11.6 The Council recognises the benefits of the proposed development resulting from the production of renewable energy and does not object to the principle of large scale solar development in the vicinity of the National Grid; however will demonstrate that these in addition to any economic, social, and environmental benefits that the Appellant has identified would not outweigh the long term harm that would endure for the lifetime of the proposed development for the reasons set out above. Indeed, the harm arising from the impacts which in the Council's view could not be made acceptable would significantly and demonstrably outweigh the benefits. The appeal should therefore be dismissed.

12.0 Statement of Common Ground and Planning Conditions

12.1 The LPA has had an initial discussion with the Appellant and provided initial comments on a draft Statement of Common Ground. The LPA will continue to work with the Appellant to agree the final draft.

12.2 The LPA has also had an initial discussion with the Appellant and provided initial comments on a draft schedule of Planning Conditions for agreement to submit for the Inspector's consideration in the event the Inspector decides to allow the appeal.

13.0 Witnesses

13.1 Before the start of the Inquiry, the LPA will provide a list of the Expert Witnesses who will give evidence on behalf of the LPA. However, the LPA provisionally proposes that expert evidence will be presented on the following matters.

<u>RfR1:</u>

- Impacts on landscape character and visual amenity
- Impacts on Public Rights of Way
- Impacts on heritage
- Planning balance

<u>RfR2: (if agreement cannot be reached through the SoCG)</u>

- Impacts on archaeology