

S.O.W.L.I.S

Save Old Wives from Industrial Solar

Kiln Cottage, Lower Ensdon Road, Old Wives Lees, Canterbury, Kent CT4 8BA
Tel: 01227 730602 Email: rickardsfarms@farming.co.uk

Mr Simon Cole,
Head of Planning and Development,
Ashford Borough Council,
Civic Centre,
Tannery Lane,
Ashford,
Kent TN23 1PL

9 November 2022

Dear Mr Cole and Mr Peel

Re: Application Number PA/2022/2415 - North Court Solar Farm, Old Wives Lees, CT4 8AZ

I write further to my emails of 4 and 6 November 2022 about the errors in the above planning application. As I have not heard anything from you, I am writing formally in the hope you will address our concerns as soon as possible.

We have carried out an initial review of the 86 documents of the planning application for North Court Solar Farm on ABC's Planning Portal and are very concerned at the number of errors which include duplication and missing documents, incorrectly named titles and lack of coherent order, see Appendix 1 (enclosed).

These problems make it incredibly difficult for anyone to understand, review the documents and comment on them. As it stands, this will prejudice the ability to make informed comments by statutory consultees and the general public. In this respect have Canterbury City Council, Swale Borough Council, Kent County Council, Kent AONB, Natural England, Historic England, Kent Wildlife Trust, Chilham and Chartham Parish Councils been notified? If so, they will need to be re-notified when the application documents are fully available.

We should appreciate the Council uploading a schedule of all the application documents and checking that they have been named and uploaded correctly. We also understand that the given time scale for objection is 3 December 2022 and consider this is not enough time in light of the numerous errors that need to be corrected. We would like this to be extended to a reasonable period beyond the date when all the application documents are named and uploaded correctly.

We also see that the council has designated the application as 'Delegated' and will not be decided by the Planning committee, we should like to understand the rationale for this please?

In light of the above as well as the comments below we wish to object to the determination of this planning application.

Turning to the Environment Statement (**ES**) and its contents, as far as we are aware the only Scoping Opinion is the Council's decision of 21 November 2021. This decision does not appear to be included in the Appendices to the ES

Whilst reading the ES, we saw, in paragraph 2.5.6, that the EIA Regulations require that the ES must be based on the most recent Scoping Opinion.

ECOLOGY AND BIODIVERSITY

The Council's Scoping Decision stated that Ecology and Biodiversity should be included in the ES. It has not been included in the ES for the reasons set out in paragraphs 2.5.14- 2.5.26. One of the reasons for this appears to be that a Preliminary Ecological Appraisal (PEA) was undertaken in July 2022. The ES states in paragraph 2.5.21 that "The update found no significant changes to the **habitats** (our emphasis) on the Site have occurred following the previous PEA in 2021". As we mentioned in our previous email, the most recent PEA was not uploaded onto the planning portal. Nor has the original PEA been submitted. In addition, it is important to note that it appears that no ecology survey has been carried out assessing all the species on the site. Reference is made to seeing skylarks, but that is all.

Neither the Planning Statement or the ES refer to correspondence on Scoping Decision from SOWLIS, Canterbury City Council, Network Rail or The Kent Ornithological Society. The Planning Statement in paragraph 4.2.2 refers to the Wardell Armstrong letter of 6 April 2022 and states the Council did not respond to it. No reference is made to SOWLIS's letter of 14 June 2022 (attached) setting out our concerns about the applicant's desire to exclude Ecology and Biodiversity and the deficiencies in the original PEA. Given the protected species (including European Protected Species, such as bats, who are still active) that use the site as habitat and its proximity to ancient woodland (including Blean Wood) we do not think it is appropriate for Ecology and Biodiversity to be excluded from the ES.

Accordingly, can you please request that the Applicant includes an Ecology and Biodiversity report under regulation 25 of the EIA Regulations so that it complies with regulation 18? Can you also please confirm if there was any further correspondence on the Scoping Decision between the Council and the applicant?

SOWLIS consider that it is necessary to establish whether an appropriate assessment is necessary under the Conservation of Habitats and Species Regulations 2017. Can you please let me know what the Council's position is?

In addition, given the applicants claim that there will be significant biodiversity net gain, it is essential that an adequate Ecology and Biodiversity assessment is carried so that the Council and the public can assess the alleged gain.

ERRORS IN THE ES

The ES is inconsistent in measuring the distance of the site from the AONB. Paragraph 3.5.2 states it is 225m to the west of the Site. Paragraph 8.6.1 states it is 150 to the east.

The ES does not consider alternative agricultural uses on the land such as growing wheat. It only refers to potential grazing under panels. On the issue of alternative, reference is made in paragraph 5.3.2 to an assessment of sites throughout the UK for solar development. We are of the view that this assessment should be included in the ES, as part of the proper consideration of alternatives in the UK and sites in the Borough, as well those in nearby Boroughs, given the administrative boundaries.

The ES does not contain a list of conditions or planning obligations proposing how the impacts will be mitigated and the land remediated.

The Heritage Chapter has not included an assessment of the impact of development on the area of archaeological designation TRO5NE - Pottery, which can be found on the Council's interactive map. This area straddles the fields and footpath between Old Wives Lees and Lower Ensden. It also does not contain any assessment of the impact on Lower Ensden Farm, Ensden Oast and nearby cottages.

The Climate Chapter includes a reference to a 30-year lifetime of the development at paragraph 9.26.3 and the rest of the ES says 40-year lifetime. It also does not set out the basis of its calculations of the actual electricity generation See Table 9.2. The ES states that generation will be up to 44MW. We need a monthly breakdown of the actual/likely electricity generation based on existing schemes so the carbon savings can be calculated. In addition, paragraph 9.13.3 states "*As such, the amount of carbon sequestered by the fruit trees has been estimated, to ensure a realistic baseline scenario is achieved. Research suggests that orchards in temperate climates typically sequester 70tC/ha within a 25-year+ lifespan. This equates to 257tCO₂e/ha over the lifetime of the development. Based on this, it is calculated that the carbon sequestration potential of the site, were it to be left as a fruit farm, would be approximately 7,905tCO₂, and this sequestration potential would be lost by the development of the solar farm*". The reference used for this statement is undated by the applicant, however, the paper was published in 2007. There is a very recent report Research Report by Natural England "Carbon Storage and Sequestration by habitat: Review of Evidence" (2nd Ed) 2021 where Chapter 2.4 deals with Traditional and Managed Orchards which should have been used.

The ES calculation needs to refer to the 40-year lifetime of the project and take into account the would be replanting of trees throughout this time period.

The Soils and Agricultural Land Report states at paragraph 6.1.9 that it is not known if the trees will be cut to stumps and left in situ or grubbed up. The proposed removal of the existing trees and the removal by grubbing up needs to be profusely considered from a soils, ecology, flood risk and drainage perspective, as well as the **Arboricultural Impact Report**, which we have yet to see.

MISSING TRANSPORT STATEMENT?

Separately, in trying to understand what has been submitted and applied for, the Transport Statement also does not appear to have been uploaded. We note that the Council did not require that it be included in the ES. Despite this, we are concerned that the issue of large HGV's using narrow lanes, may come into conflict with other road users including farm machinery, horses, and cyclists.

The masterplan also shows what is termed a temporary track from Lower Lees Road going through a field to the proposed solar farm. On the masterplan it is not shown as within the redline boundary but does appear on the site location plan. The description of development on the Application Form does not indicate that maintenance tracks are permanent. On the Masterplan the temporary track links to a permanent track within the redline. Residents in Old Wives Lees want to understand how this track will be used and what is meant by temporary. Is it included within the Transport Assessment? Can you please ask the applicant to clarify what is proposed with this point of access? The Planning Statement states it is an existing gated field access (paragraph 3.6.1) but there is no track across the field. We were informed by the applicant that Parcel 1 was to be accessed from the gate opposite Lower Ensden Cottages, on a dangerous double bend. Again, residents and the statutory consultees such as Kent County Council need to see the Transport Assessment so they can understand and comment on the impacts.

GRID CONNECTION/ SUBSTATIONS

From our initial review of the Planning Statement and ES, there does not appear to be any reference to where and how the site will connect to the National Grid. The applicant has made previous references to installing the cables in the highway beneath Long Hill going towards Chilham (the hedgerows on this lane are noted dormice habitat). If the grid connection is using the highways at any point it needs to be included in the Transport Assessment as well. Can you please ask the applicant to confirm where the grid connection will be, the route/s to it and what works are required?

In addition to the absence of information on the grid connection, the masterplan does not show the location of the 16 sub stations that are proposed or the location of the 132KV transformer/substation. Can you please ask the applicant to show the locations of the substations? Is their location assessed on the Noise Assessment, which has not been uploaded? We also note that this number of substations and panels is not included in the description of development on the Application Form. Does this mean that there could be more?

SIZE OF INSTALLATION

The Application Form refers to a site area of 47.62 hectares but the ES – NTS and other documents refers to 47.54 hectares. The applicant's website states the area to be 114 acres/49 hectares. The maps on the website are also not consistent with the maps in the application either. Can you please ask the applicant to clarify their position?

PLANNING, DESIGN AND ACCESS STATEMENT

We have been told that the Design and Access Statement must include the information specified in the Development Management Procure Order. This requires that the design and access statement must:

- (a) explain the design principles and concepts that have been applied to the development;
- (b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
- (c) explain the policy or approach adopted as to access, and how policies relating to access in the development plan have been taken into account; and
- (d) explain how any specific issues which might affect access to the development have been addressed.

We consider that the Planning, Design and Access Statement does not comply properly with these requirements, not least because the information set out above on access and substations is not included. Nor is there any information on how policies relating to access in the development plan have been taken into account. What are the design principles and concepts?

In terms of context the site is not “constraint free” as the applicant claims in the Planning, Design and Access Statement. The listed buildings adjacent to the site, the Kent AONB and Blean Woods and change in gradients are all constraints that have not been properly considered in this context of the design. Nor has relevant guidance such as the BRE Guidance on large scale ground mounted solar PV been considered?

https://www.bre.co.uk/filelibrary/pdf/other_pdfs/KN5524_Planning_Guidance_reduce_d.pdf

The applicant is seeking to make the case for this application on the basis of the maximum amount of renewable energy that it will potentially generate. The estimated annual production is not clearly stated, only a potential maximum. In this respect, the application documents do not address the requirements of the Council's Renewable Energy Planning Guidance Note 2. [untitled \(ashford.gov.uk\)](#).

In particular, the application does not contain the information required on page 12 of this document, such as an explanation of why alternative agricultural uses are not proposed on this land and why the development needs to be located on this site and not on land of lesser agricultural value.

Furthermore, the checklist on page 26 does not appear to have been considered along with all of the requirements of Appendix A and B. As the Council stated in its letter of 20 July 2021 “information regarding the amount of energy being generated and the benefits that outweigh any perceived visual harm would need to be set out clearly in the formal submission”. We are of the view that it is essential that the estimated generation of the proposed development (on a monthly basis over a year) is clearly set out and evidenced, so that the application can be properly considered.

In relation to the duration of the consent no explanation is given as to why the maximum period of 25 years has been disregarded. The applicant is proposing a 40-year operation period, which is a significant period of time. The assessments in the ES only refer to year 15. No assessment or information is available on what will happen beyond this.

Accordingly, can the Council please ask the applicant to amend the Planning, Design and Access Statement to address these points so that it is legally compliant? Once this has taken place and all the documents forming part of the application have been uploaded, there should then be a sufficient period of consultation for the public and statutory consultees to review and comment on it.

In conclusion, we believe it would be unfair and potentially unlawful for the Council to seek to determine this application without this information being made available whilst seeking comments by Saturday 3 December 2022.

We look forward to hearing from you as soon as possible on the above points.

Kind Regards

Penny Rickards
On Behalf of SOWLIS – Save Old Wives Lees from Industrial Solar

Appendix 1

Ashford Borough Council Planning Portal
Application Number PA/2022/2415

Errors

File Label*	Incorrect – Actual Document
Biodiversity Management Plan	The Statement of Community Involvement
Construction Environmental Management Plan	Phase 1 Geo Environmental Desk Study Report
ES Appendix 2.1 Scoping Report	Planning Design and Access Statement
ES Appendix Response ABC Scoping Opinion	Soils and Agricultural Land No 6
Appendix 2.4 North Court Farm AIA Final V1.1 Part 1	Planning Design and Access Statement
ES 6.2 Archaeology and Heritage DBA	Geo-Environmental Desk Study Report
ES 7.1 NCF Soils and AL Final	Geo-Environmental Desk Study Report
ES 8.4 Consultation Responses	Planning Design and Access Statement
Glint and Glare	Mineral Resource Assessment
Noise Assessment Report	Statement of Community Involvement
PEA Technical Note final	Planning Design and Access Statement
Preliminary Ecological Appraisal	Planning Design and Access Statement
Statement of Community Involvement	Planning Design and Access Statement
Geo-Environmental Desk Study Report (label repeated x 9 times)	9 different documents Biodiversity Management Plan (Label No. 6)
Chapter 10	Chapter 16

*In order of Webpage Submission

Omissions?

ES appendix 2.1 Scoping Report
ES Appendix 2.2 Opinion Response
North Court Farm A AIA Final V1.1 Part 1
ES 6.2 Archaeology and Heritage DBA
ES 7.1 NCF Soils and AC Final
ES 8.4 Consultation Responses
Glint and Glare
Noise Assessment Report
PEA Technical Note Final
Preliminary Ecological Appraisal