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14th April, 2024.

22/00668/AS - Visual Material Errata, Plans List Review and Statement Regarding Site Capacity

Dear Matthew,

ES Volume 4 Visual VP7, VP5 And SEI Figure Correction

Following your email dated 5th February, we have reviewed the Figures and Visualisations submitted in the ES and subsequent SEI.

As a consequence, minor amendments have been made to the following documents, which are submitted in replacement for those previously submitted. Whilst these changes do not affect the findings or conclusions of any of the assessments within the Environmental Statement and are not considered by the applicant to be substantive, this will of course be a matter for the local planning authority. To the extent that it disagrees with the applicant's view and considers the material "substantive" then it will need to publicise the information as "other information" in accordance with Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

ES Volume 4 Visualisations – VP5 Revision A (a small area of panels were misaligned in front of Partridge Farm to the left of the view centre)

ES Volume 4 Visualisations – VP7 Revision A (a small area of panels were missing amongst the treeline to the left of overhead pylons to the left of the view centre)

SEI FIGURE 11.11 Revision A – VP6 (Layout Refinement) [Year 10 post construction] (Title labelling corrected to refer to 'Year 10 Post Construction')

SEI FIGURE 11.12 Revision A – VP7 (Layout Refinement) [Year 10 post construction] (panel extent to south of Bested Hill & small area of panels amongst the treeline corrected. Title labelling corrected to refer to 'Year 10 Post Construction')

SEI FIGURE 11.13 – VP8 (Layout Refinement) [at completion] (labelling clarified, no change to figure)



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LVIA Appendix 11.2 Update

The LVIA provided within the ES as Chapter 11 is based on field work, supported by the desk based assessment and is illustrated by the visualisations included with Volume 4 of the ES that accompanied the planning application. The Visuals as provided in ES Volume 4 are as such illustrative and in support of the LVIA assessment. They do not play a material part of the LVIA. The ES LVIA Volume 2b - Appendix 11.2 'LVIA Methodology and VP Analysis' includes observations that reflect the visualisations in Table B3. The commentary associated with VP7 has been updated and provided as Appendix A to this letter, in line with the correction to the VP7 visualisation as listed above. The discussion in this table regarding VP5 is unchanged. As discussed, the amendments have no effect on the conclusions of the assessment.

Plans List

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 law¹ 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).

Another issue is the conditioning of illustrative and indicative plans and drawings. To this end, and to allow for the appropriate flexibility in technology selection post consent, we have listed below those plans that should be subject to condition and those which it is suggested should not:

Definitive – The Development would be built ‘in accordance’ with:

SEI Figure 1.2 Proposed Site Layout (North) REV M
SEI Figure 1.2 Proposed Site Layout (South) REV M
SEI Figure 1.3 Proposed Site Layout (Aerial Image) - North
SEI Figure 1.3 Proposed Site Layout (Aerial Image) – South
SEI Figure: 11.9 Revision A Mitigation Plan

Drawings that are for illustration only - not to be subject to condition:

Figure 6.1 - Typical Solar Panel and Frame Elevation
Figure 6.3 - Typical Access Track
Figure 6.4 - Typical Site Cabinet Detail
Figure 6.5 - Typical Cable Trench Detail
Figure 6.6 - Typical Boundary Fence and Gate Detail
Figure 6.7 - Typical CCTV Detail

¹ R (Galloway) v Durham County Council and Lightsource SPV 215 Limited [2024] EWHC 367 (Admin)

For the avoidance of doubt, to the extent that the local planning authority considers that details should be subject to control, then the applicant would prefer such matters to be subject to subsequent detailed approval by condition.

Generation Capacity

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.

I trust this addresses matters raised. We look forward to progressing to a prompt local determination.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ian Booker', with a long, sweeping horizontal line extending from the end of the signature.

Ian Booker
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Appendix A

Vp 7: Footpath AE474 west of Aldington					
Distance to proposed solar farm	NGR	Elevation (approx)	Landscape designation	Recreational area or route	Existing View
1.2km	607222 136331	85mAOD	None	Public Right of Way	Located on a local footpath to the west of Aldington, looking in a northeasterly direction across surrounding agricultural fields and woodland towards a distant ridge of higher land formed by the Kent Downs AONB. Sellindge Solar Farm is entirely screened from view, although the Converter Station is visible, as is a pylon line crossing through the foreground of the view.
Solar Farms Visible					
Solar Developments	Distance (km)	Direction from Vp	Solar farm visible	Maximum solar panel array angle	Observations
East Stour	1.2	N - NE	Partially	52°	<p>The proposed solar farm would be seen extending across fields within the middle distance of this view; a field north of the HS1 railway, part of Bested Hill and also part of a field to the east of Church Lane. Topography and intervening tree belts would screen large parts of the solar farm from view and mature vegetation within Partridge Plantation and Round Wood would also screen further parts of the proposal, as well as the existing Sellindge Solar Farm.</p> <p>Mitigation measures associated with the proposal including tree planting and new hedgerow planting would further screen and filter visibility of the proposal over time.</p>
Assessment of Effects on Landscape Character					
LCA	Value Susceptibility	Sensitivity	Magnitude	Individual effects	Assessment
	Local		End of construction:		

Aldington Ridgeline	Susceptible	High/ medium	Moderate/ slight adverse	Moderate adverse	A landscape of local value that could be susceptible with a high/medium sensitivity to the type, scale and location of development proposed. The proposed development would become a characteristic of this part of the landscape, would contrast with the existing landscape characteristics, would be seen in the context of existing large scale development and would be a visible additional feature for the duration of the operational life, resulting in a moderate/ slight adverse magnitude of change and a moderate adverse effect on landscape character at this location. This indicates that these predicted effects could be significant on landscape character if experienced over a greater local area.
			10 years post construction:		A landscape of local value that could be susceptible with a high/medium sensitivity to the type, scale and location of development proposed. The proposed development would become a characteristic of this part of the landscape, would contrast with the existing landscape characteristics, would be seen in the context of existing large scale development and would be a noticeable additional feature for the duration of the operational life, resulting in a slight adverse magnitude of change and a moderate/ minor+ adverse effect on landscape character at this location. This indicates that these predicted effects would not be significant on landscape character at this location.
			Slight adverse	Moderate/ minor+ adverse	
Assessment of Effects on Views					
Receptor	Value Susceptibility	Sensitivity	Magnitude	Individual effects	Assessment
Walkers	Community Susceptible	High/ medium	End of construction:		A local public right of way with community value, along which receptors would be moving slowly, could use the route frequently, with views in several different directions, and so would be susceptible and with a high/medium sensitivity to changes in the view. The proposal would be to the side of the direction of travel, with one small section visible to the north of the HS1 railway line, a further section visible across part of Bested Hill, and a third section visible adjacent to Partridge Plantation, occupying approximately 52° of the view, and seen in association with a string of middle distance pylons. The visibility of the proposal from this viewpoint would result in a moderate/slight magnitude of change and a moderate effect on the visual amenity of walkers at this point. This indicates that these predicted effects may be significant if experienced over a greater local area. This is discussed in more detail later within the main assessment.
			Moderate/ slight	Moderate	

			10 years post construction:		<p>A local public right of way with community value, along which receptors would be moving slowly, could use the route frequently, with views in several different directions, and so would be susceptible and with a high/medium sensitivity to changes in the view. The proposal would be to the side of the direction of travel, with one small section visible to the north of the HS1 railway line, a further section visible across part of Bested Hill, where a third section adjacent to Partridge Plantation would largely be screened from view by mitigation planting. The visibility of the proposal from this viewpoint would result in a slight magnitude of change and a moderate/ minor+ effect on the visual amenity of walkers at this point. This indicates that these predicted effects would not be significant for walkers. This is discussed in more detail later within the main assessment.</p>
			Slight	Moderate/ minor+	