

**APPEAL BY EDF ENERGY RENEWABLES LTD.
SOLAR FARM AT LAND SOUTH OF M20, CHURCH LANE, ALDINGTON, KENT**

**OPENING STATEMENT
ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

1. The need for renewable energy is not in dispute and must be given substantial weight. However, just because a kind of development is, in the general sense, required and carries important public benefits does not mean that each individual application must be approved and, in particular, does not mean we must tolerate poor design. This application has been poorly designed from site selection, to design evolution, to mitigation. The application itself was shoddily prepared. It was originally invalid due to failures in providing plans at the appropriate scale.¹ And was subsequently fraught with issues of inadequate information to assess its effects with a mere 12 viewpoints included in the ES for a scheme which has been screened into the EIA process and is just under the DCO threshold.² Historic England were initially unable to assess the impacts on the many nearby listed buildings due to the lack of sufficiently robust supporting visual information.³ The landscape consultants have changed three times during the process. Meeting a pressing need is no excuse for lazy design and execution.
2. Be that as it may, the Council will focus on where we are now during this inquiry and the information currently available, rather than dwelling on past failings. More information has been produced by the Appellant since the application was submitted, right up to the point of rebuttal evidence with a new mitigation plan provided by Mr

¹ CD 1/9 (incorrect scale of location plan and failure to provide Infrastructure Layout plan at correct scale)

² See Mr Withycombe's review of the ES Chapter 11 dated 5 December 2022 reproduced at his Appx 1

³ Letter of 5 Sep 22 CD 2/1/9

Ingham⁴ which expands on the proposed mitigation, in response to Mr Withycombe's evidence. Whilst this process has been reactive on the part of the Appellant - much to the frustration of the Council - it is accepted that the Inspector now has enough information before him to assess the scheme.

3. Having said that, there are still some important unknowns, which have not been disclosed. In particular, for a solar scheme which sits just under the NSIP threshold, it is important to understand the degree of 'overplanting' proposed, in order properly to assess whether that overplanting is reasonable, the purposes of it⁵, and whether a smaller scheme could, in effect, do the same job in terms of renewable energy generation whilst siting fewer panels on the ground and minimising the extent of some of the harms to landscape, PROW users and heritage. On the information provided to the inquiry, we cannot assess a 'worst case scenario'⁶ for a development where the number of panels has not been disclosed. The Council has made clear it wishes to explore this issue since its Statement of Case⁷. And yet no information has been provided regarding panel numbers or the degree of 'overplanting' encompassed within this scheme. Applicants are expected to minimise landscape and visual impacts in relation to context through the application of the criteria for 'good design' and this includes not creating a wasteful scheme. This absence of information will be explored in evidence.
4. Belatedly, some details of the grid connection have been provided in rebuttal⁸; the matter having been raised in the Council's Statement of Case.⁹ The provision of this information is welcomed but it does show a delay in connecting, with a missed milestone, and thus that the benefits of solar generation will not come about as quickly as originally advocated.

⁴ Ingham Rebuttal Appx 2

⁵ See in particular EN-3 para 3.10.46 and Footnote 92

⁶ Impacts must be assessed on the basis of a scheme's full extent, including any overplanting: see Footnote 92

⁷ CD 8/2 - see e.g. at para 6.16 and 6.17

⁸ Longstaff Rebuttal Appx A

⁹ With Mr Longstaff's Rebuttal proof

5. Much of the landscape evidence is not in dispute. Whilst there will be no effects on the landscape fabric of the site itself, there will be residual significant adverse effects on local landscape character, in particular on two Landscape Character Areas: the Evegate Mixed Farmslands LCA and East Stour Valley LCA. The solar farm is sited on land which is representative of both LCAs and takes up a large proportion of their areas, as Mr Withycombe will explain. Thus the scheme affects the LCAs as a whole, not just part of them, as the Appellant seeks to suggest.
6. There are also a number of long-term adverse significant visual effects which are not in dispute, as set out in Table 10.2 of the Appellant's Statement of Case; in particular from the public footpaths which run around and through the solar farm. No amount of mitigation is capable of removing these effects. It does not appear that the site selection or design of the solar farm was informed at the outset by landscape impacts. In particular, the south side of Bested Hill, which is a local landscape feature that helps to distinguish the character of the area¹⁰, is covered in panels. This really should not have been necessary. Either the panels could have been re-located to lower lying land to the west of Church House with a reduced area still effective in maintaining the residential visual amenity of Bested House, or they are in fact not needed if a reasonable degree of 'overplanting' were applied. There also does not seem to have been any real thought given to creating more substantial footpath corridors or enhanced mitigation.
7. As already set out, the Appellant has reactively bolstered its mitigation strategy during the course of this appeal. What is now proposed may be better than it was at the outset. However, it is still nowhere near adequate to address the landscape visual harm associated with this application, which could have been (in part) reduced or eliminated with better design. The rolling landscape, at the foot of the Kent Downs, deserves better, particularly given the cumulative effects with the existing Partridge Farm scheme and the proposed Stone Street scheme. This is also important in terms of the impacts on the amenity of users of the PROWs in the area, in circumstances where PROWs are already compromised by other nearby solar development. There is only so much a rural area can take. And whilst Aldington may well be sunny and allow connections to the grid, it is also an important recreational area for walkers, as Mr Rusling will explain.

¹⁰ See Matthew Durling PE para 3.23

8. There are a very large number of listed buildings in proximity to the appeal site, in this historic part of Kent. The Council is only giving evidence in relation to the two most important ones: the Grade I listed Church of St Martin and Grade II* listed Court Lodge. It will be a matter for the Inspector, in line with his statutory duties under ss. 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the effects on other listed buildings and the Conservation Area. Historic England are not happy with the scheme. In relation to the Church and Farmhouse, as HE have set out, this unusually fine group comprise a former chapel and hunting lodge for the Archbishop of Canterbury. Both buildings derive some significance from their landscape settings which help explain their rural origins and provide an attractive backdrop which enhances their aesthetic value in key views. The exceptional heritage interest of St Martin's and Court Lodge Farm is recognised in their designations as Grade I and Grade II* listed buildings.¹¹
9. There is no dispute that the Church has an extensive landscape setting which has a positive contribution to the Church's significance. This will be harmed by the solar farm. The topography and sparse development means that views of the Church from the landscape have a positive contribution to the significance of the church, as they allow for an appreciation of the Church from a distance.¹² Given the height of the Church's tower, it will still be possible to see it, but the views will be compromised by the incursion of panels. The degree of harm this causes is a matter of judgement, but the Council's case is that, particularly given the very high status of the asset, it is at the higher end of less than substantial harm, as Ms Connelly will explain. Court Lodge Farm has a strong historic relationship with the Church and the surrounding farmland. The Appellant agrees there is less than substantial harm; the Council says in the middle of the scale. The proposed development threatens to change the landscape beyond recognition in this historic setting.
10. Mr Durling will conduct the planning and heritage balances. The Council encourages solar farms, provided they are environmentally acceptable, as is demonstrated by Policy

¹¹ CD 5/9/22

¹² See Rob Bourn para 4.16

ENV10 of the Ashford Local Plan and Policy AB10 of the Ashford Borough Neighbourhood Plan. Solar schemes are acceptable where they do not result in significant adverse impacts on the landscape, which it is agreed this scheme will. Harm should be minimised and mitigated. Opportunities for enhancements to PROWs should be sought and the benefits of renewable energy must outweigh the landscape and environmental impacts. Harm to heritage assets must be given great weight and only justified where the public benefits outweigh that harm.

11. This development has simply not provided a considered or positive response. Well planned and well-screened solar farms can integrate into the landscape and respect heritage assets, if planned sensitively. However, this scheme is a poorly designed one. As I said at the outset, meeting a pressing need is no excuse for lazy design and execution. That is not sustainable planning. For these reasons, the scheme is contrary to the development plan and, in due course, the Inspector will be invited to dismiss the appeal.

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4 February 2025

**APPEAL BY EDF ENERGY RENEWABLES LTD.
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**LIST OF APPEARANCES
ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

Annabel Graham Paul, Barrister, Francis Taylor Building

Instructed by:

Cheryl Parks, Senior Planning and Development Lawyer, Ashford Borough Council

Witnesses:

1. David Withycombe MSc CMLI, Director, Land Management Services Ltd.
2. Graham Rusling MIPROW, Head of Public Rights of Way and Access Service, Kent County Council
3. Grace Connelly MA (Hons), MSc, Senior Conservation Officer, Ashford Borough Council
4. Matthew Durling MA MRTPI, Deputy Team Leader (Strategic Applications), Ashford Borough Council