

08 NOV 2024

## Planning and Development

Annexe at  
The Oak House  
Church Lane  
Aldington  
Ashford  
TN25 7EH



Civic Centre  
Tannery Lane  
Ashford, Kent  
TN23 1PL  
(01233) 331111  
[www.ashford.gov.uk](http://www.ashford.gov.uk)

Date: 28, October 2024

NO  
NO  
will ruin our  
little lane.

@ashfordcouncil  
 AshfordBoroughCouncil

Dear Sir/Madam,

### TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 78

<b>Appellant:</b>	Mr J Lyons
<b>Appeal Proposal:</b>	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. *This development is subject to an Environmental Statement
<b>Location:</b>	Land south of M20, Church Lane, Aldington, Kent
<b>Application:</b>	22/00668/AS
<b>Appeal Start Date:</b>	21 October 2024
<b>View appeal documents:</b>	<a href="http://www.ashford.gov.uk">www.ashford.gov.uk</a> using the planning application search links inputting the following reference: <b>AP-90705</b> .

An appeal has been made against the decision of Ashford Borough Council to the Secretary of State in respect of the above site.

The appeal will be determined on the basis of an **inquiry**. We will write to you again nearer the time to advise you of the date and time for this when it has been confirmed.

The procedure to be followed is set out in the Town and Country Planning Appeals (Determination by Inspectors) (Inquiry Procedure) (England) Rules 2000, as amended.

For any group or organisation who wish to take an active part in the Inquiry, the opportunity is available to apply for what is known as Rule 6 status. Although unusual, there is also scope for interested individuals to take part on the same basis. Rule 6 status means that you would be able to present your evidence on a formal basis and cross examine the evidence of others. You can find guidance at the following link:

<https://www.gov.uk/government/publications/apply-for-rule-6-status-on-a-planning-appeal-or-called-in-application>

Arrangements for the Inquiry are currently being finalised by the Planning Inspectorate. These will include a pre-Inquiry conference call with the lead parties to deal with procedural and administrative matters, including how the evidence will be heard. As a Rule 6 party, it is anticipated that you would also be a part of that process. If, having read the above guidance, you wish to apply for Rule 6 status and/or have any related questions, you should contact the Planning Inspectorate immediately. If you are interested but are unable to access the guidance electronically, again, you should contact the Planning Inspectorate who will try and assist.

If, having read the above guidance, you wish to apply for Rule 6 status it is essential that you contact the Planning Inspectorate immediately.

We have forwarded all the representations made to us on the application to the Planning Inspectorate and the appellant. These will be considered by the Inspector when determining the appeal.

If you wish to make comments, or modify/withdraw your previous representation, you can do so online at <https://acp.planninginspectorate.gov.uk> using reference: **APP/E2205/W/24/3352427**.

If you do not have access to the internet, you can send your comments to:

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**All representations must be received by 25 November 2024.** Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>

Yours faithfully

for Assistant Director, Planning and Development

*Ashford Borough Council (ABC) is the data controller for the personal information you provide in this form. ABC's Data Protection Officer can be contacted at [FOI@ashford.gov.uk](mailto:FOI@ashford.gov.uk). Your information will be used to process planning applications and processing is being conducted relying upon the public interest legal basis. Given the statutory status of the Register of Planning Applications, relevant regulations, and the public interest in making information on the processing of applications available, all information you provide on the application form and in any accompanying documents will normally be published on the council's website. Only telephone numbers, email contact details, and signatures, will be routinely blanked out. Personal sensitive information which is deemed necessary for the processing of the application will also not be published in the public domain but may be available in a redacted format on request. Your information will be retained as a permanent record on the planning register. Personal data will be held for as long as the application or any subsequent appeal is being considered. For more information on your rights please see the council's privacy statement <https://www.ashford.gov.uk/>*

## The Planning Inspectorate

### COMMENTS ON CASE (Online Version)

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

#### DETAILS OF THE CASE

Appeal Reference	APP/E2205/W/24/3352427
Appeal By	EDF ENERGY RENEWABLES LIMITED (TRADING AS EDF RENEWABLES)
Site Address	Land south of M20 Church Lane Aldington Kent TN25 7EH Grid Ref Easting: 608051 Grid Ref Northing: 137962

#### SENDER DETAILS

Name	MRS ALISON BALDWIN
Address	Church Hill Cottage Church lane Aldington £0 Aldington £0.00 Kent TN25 7EG

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement



- ☐ Statement of Common Ground
- ☒ Interested Party/Person Correspondence
- ☐ Other

#### YOUR COMMENTS ON THE CASE

I have written previously but i want to ensure that my ongoing opposition to this application is noted and it will be refused. The applicant has not taken into account the concerns of residents of Church Lane in relation to removing a small section of the scheme from the southern slope of Bested Hill to protect the views to and from the Church Lane Conservation area and the Grade I listed St Martin's Church and the popular footpath from Aldington Village / Goldwell Lane to the Church with views towards the Downs and the ANOB to the South.

Panels should not be sited on such high ground which is visible for a considerable distance when alternative pockets of land in the same ownership are available to them and which haven't been fully explored by the applicant. Secondly the traffic management plan is woefully inadequate given the size and volume of traffic which will be accessing the lane and the proposed duration of the installation and also the ongoing maintenance during its proposed lifetime. If the scheme goes ahead Church Lane should be closed from the South to both through traffic and construction traffic. There are insufficient passing places and where there are some they are often only large enough for two vehicles to pass side by side. Considerable damage to land and verges owned by residents will be caused along with damage and wear to the road which in places already has large holes which need to be avoided due to the lack of maintenance of the lane.

There is also no mention of traffic accessing the site for ongoing maintenance if it does go ahead. A recent example of the chaos which is caused can be illustrated with the existing solar farm on Church Lane. Only a few weeks ago a HGV which was over height and width accessed the site from the south as it couldn't get under the railway bridges. The vehicle then blocked the lane for a two hour period as it was too large to turn around. It caused considerable damage to the verges which has not been rectified and significant delays for residents and other users of the lane who were turned around by the contractors to the site. This could have all been avoided if a traffic management plan for maintenance to the site had been insisted on when planning permission was granted.

The legacy, if this scheme is granted planning permission, is something the residents will have to live with for the next 40 years. My own property is Grade II listed and in the conservation area near the Church and it sits less than 1m from the lane and it shakes every time a over height and weight vehicle uses the lane. The damage which is being caused and may be caused further to these old properties is not being fully taken into account.

Despite the best efforts of the residents of Church Lane to engage with the applicant to find a workable solution it really feels like our needs have been completely dismissed. Church Lane is regularly used by residents for walking, jogging, cycling and horse riding and these activities will be impossible during the construction phase due to the increase in traffic and the management of it which is unfair and will have a detrimental affect on our quality of life which should be taken into account. This may be made especially worse if it coincided with any other construction projects which are currently under review in the village and which may cause in an increase in road users to Church Lane to avoid those areas.

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Appeal By	EDF ENERGY RENEWABLES LIMITED (TRADING AS EDF RENEWABLES)
Site Address	Land south of M20 Church Lane Aldington Kent TN25 7EH Grid Ref Easting: 608051 Grid Ref Northing: 137962

#### SENDER DETAILS

Name	MRS J BOULDEN
Address	The Barn, Middle Park Farm Church Lane Aldington ASHFORD TN25 7FL

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☒ Interested Party/Person Correspondence

☐ Other

## YOUR COMMENTS ON THE CASE

Dear Sir

I would like to OBJECT the proposal of the East Stour Solar Farm on the following grounds which have still not been acknowledged or addressed in supplementary information provided by Engena this year on behalf of this application.

1. The developer has refused to acknowledge the suitability of accessing the sites 2 and 3 due to the height restriction of the railway bridge and the single lane access (6' 6") of Church Lane from the entrance of the proposed Pivot Power site all the way through to the end of Church lane at the junction with Roman road. The developer only focuses on the safety of site movements within the 3 sites with no attention to the road safety beyond the railway bridge. KCC highways have already refused the plan on the use of Church lane and reference the reasons of the unsuitability of Church lane as a means of access. Even in the TMP detailed drawing of the movement of HGV acknowledges the vehicle restriction height (height of HGV exceeds this). There is already difficulty passing any vehicle along the entire stretch of Church lane. There are no pavements. As a frequent pedestrian along the lane from the so There is no detail of weight and height of the many lorries that will be needed to transport aggregates and cement to site. Nothing to prevent hauliers attempting optimum loads.

2. The volume of traffic movement only focusses on HGV movements and no real detail including mobile crane (weight?) to site. The plan of ALL traffic movements and type of vehicles I believe is understated for the construction period including the movements required to set up temporary site compounds and additional materials which will be required to increase the width of site tracks of 4 metres to accommodate two way on site traffic movements.

3. The developer has already stated that some of the oversized components will need to travel direct to site and this will not be possible. The TMP should be part of the consideration of the planning proposal not a condition of a the planning approval. To avoid any chance of this happening Church lane should be closed south of Bested Hill. The residents do have a basic right to a proper access from their homes to go about the normal lives. My own circumstances require me to attend regular hospital appointments for treatment and the restriction of access by the volume of construction will be detrimental to me attending these appointments.

4. There is no true detail of layout and size of the temporary construction site compounds. Design & Access Statement Jan 2024, Page 11, all open to alteration and interpretation post planning approval.

5 Design & Access Statement Jan 24, Page 15, DA68 to create new crossing over Church Lane, the hedgerow on the west side will need to be removed and groundwork completed to level on the west side of the lane. No acknowledgement of the proximity of the activity of badgers and setts immediately south of the crossing on the Church lane.

6. Traffic safety, no assessment of visibility splays on traffic from both directions to site no 3. It should be recognised that beyond that point (Bested Hill) Church lane has at least three bends in the lane with limited visibility and only 1 vehicle width making it extremely dangerous for any vehicle to pass.

7. I cannot understand why the applicant refuses to remove panels from the high ground surrounding Bested Hill.

8. The effect and destruction of animal night life during the long construction period. by the temporary lighting for the site compounds.

9. The effect on the residents of Church Lane and Aldington quality and enjoyment of the the amenity of the local countryside.

10 The lane is frequently used by pedestrians there are no pavements it is a country lane of single vehicle width.

I hope that the Appeal will support in favour the findings of Ashford Borough Council's sensible refusal of this application.

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Site Address	Land south of M20 Church Lane Aldington Kent TN25 7EH Grid Ref Easting: 608051 Grid Ref Northing: 137962

#### SENDER DETAILS

Name	MR EDWARD EVANS
Address	Hogben Farm Church Lane Aldington ASHFORD TN25 7EH

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☒ Interested Party/Person Correspondence

☐ Other

#### **YOUR COMMENTS ON THE CASE**

I hope that the Inspector will support Ashford Borough Council's sensible refusal of this application. Like Ashford Borough Council, I see that the damage that will be caused to the environment by the scheme outweighs any perceived gain. I cannot understand why the applicant has not been prepared to remove any panels from the high ground on Bested Hill, when EDF could have reorganised the layout in a more sympathetic way.

I would ask that my previous submissions be taken into account by the Inspector: The visual impact will not be adequately mediated by the proposed screening; The proposed community benefit from the scheme is nugatory; It will not be safe to keep the lane open to traffic during the construction period.

I note that neither the applicant nor Ashford Borough Council have addressed my question about the second footpath crossing Bested Hill north to south. It would be blocked by this development. The applicant included it in their own original application -- but the applicant has not provided evidence that the footpath has been stopped up.

Finally, I note the applicant's last-minute request: "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." This request should be refused.



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Site Address	Land south of M20 Church Lane Aldington Kent TN25 7EH Grid Ref Easting: 608051 Grid Ref Northing: 137962

#### SENDER DETAILS

Name	MRS CLAIRE GIBBS
Address	Street Farm Church Lane Aldington ASHFORD TN25 7EG
Company/Group/Organisation Name	Mr & Mrs Gibbs

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant  
☐ Agent  
☒ Interested Party / Person  
☐ Land Owner  
☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments  
☐ Proof of Evidence  
☐ Statement

- ☐ Statement of Common Ground
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- ☐ Other

#### YOUR COMMENTS ON THE CASE

Having previously submitted comment we wish to further emphasise my position in light of the appeal by the applicant, our previous comments should still be considered.

We agree with the refusal by Ashford Borough Council of this proposal and consider that the appeal by the applicant should be rejected. Very little alteration has been made to the scheme to address all of the concerns raised and so the situation has not changed.

The scheme will have a severe detrimental affect on what is a rural setting in an area that should not be industrialised further. The visual impact has not sufficiently been addressed and the scheme will be visible and impossible to obscure from view with any amount of planting of hedges given that the panels are proposed to be installed on a hill.

From an environmental point of view the benefits of the supply of renewable energy will be in direct contrast with the environmental effect of disruption to wildlife habitats and the loss of agricultural land, with the supply of energy having a negative effect on the supply of British grown food. Industrial installations of solar farms should first be installed in areas where they would not negatively affect the natural environment as this is counterproductive.

Should the installation go ahead then greater consideration should be given during the construction phase. Despite all of the ongoing problems with large vehicles accessing the lane and causing disruption and damage to the verges etc, we even now still have large lorries trying to access the existing solar installation from the lane end and not from the A20. This normally results in the lane being inaccessible for a prolonged period as the lorries are dangerously reversed along the full length on the lane, given that visibility is sometimes blind. We know that regardless of what is promised in any proposal we will have unsuitable and construction worker traffic using the lane therefore we strongly request that the lane is closed to traffic during the construction phase for safety reasons.

We hope that the appeal is refused for all of the previous reasons given by myself and on the grounds of the previous refusal by Ashford Borough Council.

Thank you.

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Site Address	Land south of M20 Church Lane Aldington Kent TN25 7EH Grid Ref Easting: 608051 Grid Ref Northing: 137962

#### SENDER DETAILS

Name	MRS ELIZABETH MANN
Address	Church Farm Church Lane Aldington ASHFORD TN25 7EG

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
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☐ Other

#### **YOUR COMMENTS ON THE CASE**

I have written to object to this scheme before, but I would hope the Inspector will take account of all the previous submissions which remain as relevant still.

It was very disappointing to discover that in appealing the rejection of the Church Lane scheme EDF have not made any significant alteration to their application plans, particularly in regard to the siting of solar panels on the high ground of Bested Hill, and therefore having no regard to the grounds on which Ashford Borough Council so vigorously rejected the scheme in the first instance. We all much appreciate ABC's concern for the views from the footpath between church and village and their determination to preserve an historic landscape. I cannot understand why the applicant has not been able to reorganise the layout where there is space on the northern side of the plan for an equivalent number of panels and on flatter ground. I understand that undulating ground is considered much less suitable for solar panels.

We live in dread of the scheme going ahead, where as residents of Church Lane our lives would be seriously disrupted for months and months by construction traffic, where access to the site from the north is very difficult. This has to be addressed. Moreover, faced with the other, Evolution Power scheme, please will the Inspector have regard to the difficulty of access to Aldington village from the A20. The two minor access roads to the village are completely unsuitable for heavy construction traffic and should both schemes run in tandem it would be unbearable.

I hope that the Inspector will dismiss the Appeal, support Ashford's decision and find that the damage that the scheme will cause to the environment will far outweigh any benefit.

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Site Address	Land south of M20 Church Lane Aldington Kent TN25 7EH Grid Ref Easting: 608051 Grid Ref Northing: 137962

#### SENDER DETAILS

Name	MR JAMES MANN
Address	Church Farm Church Lane Aldington ASHFORD TN25 7EG

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
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- ☒ Interested Party/Person Correspondence



☐ Other

#### **YOUR COMMENTS ON THE CASE**

As before, I object strongly to this EDF project. There has been no change in this submission to the location of panels on the high ground on Bested Hill. For this reason alone, given that they will be clearly visible to houses in an AONB, it should be refused - again. The damage to the environment is substantial.

I hope very much that the Appeal will find in favour of Ashford's refusal of this application.

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Site Address	Land south of M20 Church Lane Aldington Kent TN25 7EH Grid Ref Easting: 608051 Grid Ref Northing: 137962

#### SENDER DETAILS

Name	MR BARRY MARTYN
Address	Grove Cottage, Church Lane Aldington Ashford Kent TN25 7EG

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
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- ☐ Statement
- ☐ Statement of Common Ground

☒ Interested Party/Person Correspondence

☐ Other

#### **YOUR COMMENTS ON THE CASE**

Further to my original submission, may I ask that this is fully taken into account by the inspector and I hope that this appeal will be rejected on the same grounds as the original decision by Ashford Borough Council.

The applicant has made no meaningful changes to the planning application and still retains a large area of highly visible land which is totally unacceptable.

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Site Address	Land south of M20 Church Lane Aldington Kent TN25 7EH Grid Ref Easting: 608051 Grid Ref Northing: 137962

#### SENDER DETAILS

Name	MR MATTHEW O'DRISCOLL
Address	1 Grove Cottages Church Lane Aldington ASHFORD TN25 7EG
Company/Group/Organisation Name	Mr and Mrs O'Driscoll

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant  
☐ Agent  
☒ Interested Party / Person  
☐ Land Owner  
☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments  
☐ Proof of Evidence  
☐ Statement

- ☐ Statement of Common Ground
- ☒ Interested Party/Person Correspondence
- ☐ Other

#### **YOUR COMMENTS ON THE CASE**

Please take into account any and all previous submissions made by us to Ashford Borough Council as these are still relevant.

I hope above all that you will not overturn Ashford Borough Council's very sensible decision to refuse this application.

EDF appear to have made little or no effort to address the many concerns that have been expressed.

Damage to the environment has not been mitigated in any way. There is still the intention to site panels on the highest part of Bested Hill while the they could easily be sited elsewhere.

Finally should the application be granted. Church Lane must be closed for the duration of construction for the safety of residents and road users



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Site Address	Land south of M20 Church Lane Aldington Kent TN25 7EH Grid Ref Easting: 608051 Grid Ref Northing: 137962

#### SENDER DETAILS

Name	DOCTOR CHARLES SELL
Address	Parsonage Farm Church Lane, Aldington Ashford Ashford Kent TN25 7EG

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
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- ☐ Other

#### YOUR COMMENTS ON THE CASE

Firstly, I ask that my previous submission should be taken into account by the Inspector and I hope that the Appeal will support/find in favour of Ashford's sensible refusal of this application. I would like to highlight several points in this letter.

I consider that the damage to the environment and the view from the nearby AONB would outweigh any perceived gain. The applicant has not been prepared to remove any panels from the high ground on Bested Hill when appropriate alternatives are possible. Panels on the high ground on Bested Hill would be particularly damaging to the rural nature and landscape of the area.

Previous experience showed how Church Lane was seriously adversely affected by solar facility installation with obstruction and damage to residents' property. This appeal should also take into account other proposals in the East Stour valley. If the various proposals are agreed, the cumulative effect will have very serious negative effects on access to the village. The Smeeth crossroads, Station Road and Frith Road will become very difficult for local residents who will seek alternative routes into the village, all of which will add miles to their journey and all are along narrow lanes that cannot cope with an increased volume of traffic. I would request that Church Lane be closed for the duration of the work if this appeal is successful. This would add many miles to my regular travel and be very inconvenient for me but would be preferable to heavy vehicles trying to travel from the southern end of Church Lane, realising that it is an impossible route for them and then trying to turn or reverse along the lane.

I am also becoming ever more concerned about the faster run off from solar panels and concrete areas, compared to that of agricultural land, especially because of predictions that climate change will result in increasing frequency and amounts of heavy rain. This application concerns land upstream of the flood defence scheme but a sudden increase in run off might overwhelm the defences. If the other schemes are also approved, any increase in run off from this scheme would exacerbate the problems generated by the scheme downstream of the defences. This would expose the town of Ashford, the city of Canterbury and the villages between them, Wye, Chartham, Thannington, to increased danger of flooding.

There are public rights of way in this part of the valley and these link to areas east and west of the proposed development. Walking on public footpaths in countryside (not next to high fences) is known to have a beneficial effect on the physical and mental health of walkers. We should not destroy this important recreational facility.