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By Email:

Date: 7th March 2024

Dear Matthew

22/00668/AS -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

Location: Land south of M20, Church Lane, Aldington, Kent

Thank you for the opportunity to comment on the above application. As a general statement, KCC's Public Rights of Way and Access Service are keen to ensure that their interests are represented with respect to our statutory duty to protect and improve Public Rights of Way (PROW) in the County. The team is committed to working in partnership with the applicant to achieve the aims contained within the Rights of Way Improvement Plan (ROWIP) and Framing Kents Future, KCC Strategic Policy. Specifically, these relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

The following Public Rights of Way are affected by the site: Public Footpaths AE437, AE432, AE457, AE459 all connecting to the wider PROW network in the area. Public Footpaths AE656 and AE657 are in close proximity. The PROW network at this location is also impacted by the proposed NSIP Stonestreet Solar Farm, as well as the proposed Otterpool Garden Village within Folkestone and Hythe, and therefore the connectivity of these routes must be seen through the cumulative impact on the area.

KCC PROW and Access Service concerns remain regarding the impact of this proposal on the PROW Network as some of the issues raised in our previous response have yet to be answered, together with the following comments below. This response should therefore be read together with our previous response.

The approach of dividing the consideration of the effects on PROW and their users across several chapters, makes it difficult for consultees to engage with the process and could lead to misunderstandings of the information provided. There remains an overall underestimation of the significance of the effect of the development and the impact on both the physical resource and the amenity value of the public rights of way as well as the mitigation proposed (new hedgerow planting) remaining insufficient. As previously stated, KCC PROW and Access would expect enhancements to the network in addition to mitigation, compensation, and management strategies that will ensure that the public; residents and visitors alike, retain the quantity and quality of access provision.

The reference to “local” PROW throughout the documents is inappropriate and diminishes the importance of the Network.

The following remain unclear and require clarification :

- Site access during construction and operation and management of PROW
- Omission of sufficient detail regarding PROW long term within site during operation -note the widths proposed but no detail of surface
- Impact on Non-mechanical use of rural lanes during construction
- Mitigation proposed in terms of planting new vegetation is still insufficient. KCC PROW and Access consider the development will have a significant impact on the network and a loss of visual amenity for users of PROW

Planning Statement :

- 8.3.8 – 8.3.9 It is immaterial that no Bridleway or Byway is affected by the site, pedestrian rights are not of lesser importance or benefit.
Description in the text of PROW routes is unsatisfactory for consultees to attempt to know which PROW is being referred to. PROW references should be consistent and standard across all documents and follow the same convention as depicted on the Definitive Map. Screening and planting as mitigation does not lead to the reduction of the impact on enjoyment and amenity given the timescale of planting maturity and screening can in turn block what view remains.
Any stiles should be removed and there should be a presumption against installing gates unless this could be justified to the County Council as Highway Authority.
The proposal completely changes the environment for PROW users and this cannot be underestimated, “localised” effects appear to downplay the significance of overall effect on the area.
Consideration of cumulative impact of this and other major proposals in the area, on the PROW network over a significant period of time again cannot be underestimated.

Transport and Access

As previous response the use of rural road, Church Lane etc. will provide potential conflict with NMU use and this has not been sufficiently addressed.

No further detail given re Construction phase detail; we have advised no PROW should be used as construction routes. A pre commencement management plan and accompanying figure should be produced that outlines any PROW affected by site preparation and early works, together with the management measures necessary to protect the PROW and public users during the construction phase.

Landscape and Visual Impact / SEI Non-Technical Summary / Design and Access Statement ES Vol. 2

Again, the current approach of dividing the consideration of the effects on PROW and their users across several chapters makes it difficult to navigate and therefore for consultees to engage with the process. The County Council would advise that PROW should be considered as a separate theme considering the effect on the physical resource, the amenity value, and the quality of the user experience holistically.

The viewpoints referred to throughout these documents all refer to moderate or minimum impact which would reduce “over time” with which we would disagree due to timescale of any mitigation planting and length of operational time.

Again, reference to “local PROW” should be amended and the benefits to communities and visitors alike again appear underestimated. The assessment methodology has not in our opinion recognised the importance of PROW, some of which are the only off-road access for a community or are the main recreational space.

The cumulative impact again appears underestimated; the impact of this proposal with the other existing projects proposed in this area is concerning. We believe that there are inter-project effects that will impact on the PROW network and its users from more than just visual intrusion, but the approach for public rights of way, access and amenity has resulted in this effect not being recognised.

Comments are made in reference to the following planning policy.

- **National Planning Policy Framework (December 2023) Section 104**

Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

- **National Planning Policy Framework (February 2019) Section 124**

Planning policies and decisions should:

a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains such as developments that would enable new habitat creation or improve public access to the countryside.

Ashford Borough Council Local Plan Policies:

ENV5 / IMP1 / TRA5 / TRA6

And

- **KCC Rights of Way Improvement Plan**
- **Framing Kent's Future, KCC strategic policy**

This response is made on behalf of Kent County Council Public Rights of Way and Access Service. The views expressed should be considered only as the response of the County Council in respect of public rights of way and countryside access matters relating to the application.

Yours sincerely

Kate Beswick

Rights of Way and Countryside Access Improvement Plan Officer
Public Rights of Way & Access Service



- Footpath
- Bridleway
- Restricted Byway
- Byway Open to All Traffic
- Point path number or status changes
- ■ ■ Boundary of area covered by 1:2500 scale Network Map
- ▨ Area covered by 1:2500 scale Network Map

**EXTRACT OF THE WORKING COPY OF THE
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FOR THE COUNTY OF KENT**

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