

Appeal Statement from CPRE Kent

Appeal Reference: 6006287 / LPA Reference: 23/01363

Site Address: Goshall Valley, East Street, Ash

Proposal: Construction of a solar farm with associated access and infrastructure

Introduction

We are CPRE Kent, the countryside charity. Founded in 1926, CPRE is one of the country's longest established and most respected environmental charities. CPRE Kent is the largest of the CPRE county branches. We represent 1,061 individual members across the county, along with 131 parish councils.

CPRE Kent strongly supports the Council's refusal of this proposal and considers that the appeal should be dismissed. To this extent, we have put in several objections to this scheme during the lifetime of the application process. From however a review of the Councils completed appeal questionnaire, it is not clear as to whether all our previously made comments have been submitted to the Inquiry. Therefore, and for completeness, we have appended our previously made comment to this statement.

We will not seek to repeat all our objections previously raised and will take as read that our previous comments will be considered. The purpose of this statement is instead to update our position on the matters that we consider are going to be central to the determination of the appeal.

CPRE Kent is also conscious that a new National Planning Policy Framework is likely to be published before the inquiry. We therefore reserve the right to make further comments on any revised national policy position once it is published and may wish to address the Inquiry verbally in due course to this respect.

The following however represent our current positions:

1. Need vs benefits of the scheme.

CPRE Kent supports the need for renewable energy. This however should not mean accepting unnecessary harm to the countryside, which includes its heritage. That is not an anti-renewables position or anti solar position, it simply reflects what is required by the planning system. Specifically, whilst paragraph 161 and paragraph 168 of the NPPF are clear in the need to support the transition to net zero, these do not give a blanket route to approval. In this respect, the Council were right to acknowledge within the committee report that whilst yes, there is a need to give significant weight to the renewable energy benefits of the scheme under NPPF paragraph 168(a), the need for renewable energy does not automatically override other material planning consideration.

CPRE Kents overarching position therefore is that, whilst we do not dispute that renewable energy generation is a significant benefit, we dispute that these are site-specific benefits which can only be secured at this location in this design and therefore at the level of heritage and landscape harm that is currently being proposed. A scheme in a less sensitive location, or at the very least a much better/less intensive design, could bring forward most, if not all the purported renewable energy benefits. That

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is, it is not the case that there is such a pressing need to approve this precise scheme at this precise location that the harm to the setting and significance of one of the country's most important Roman sites must just be accepted.

In this respect, and despite the qualification at NPPF paragraph 168(a), it's our view the wider national context does still matter. Specifically, NESO's recent Connections Reform material¹ published 19th April 2026 makes clear that the current grid connection queue is around four times what is needed for 2030 and double what is needed for 2050 with some 381.5GW of capacity that's ready-to-build. The issue is therefore no longer simply the availability of renewable energy projects, but the proper prioritisation of those that are ready, needed and located where they do least harm.

Overall, CPRE Kent absolutely accept that significant weight must be given to the scheme's renewable energy benefits and that the applicant is not required to demonstrate need. However, it does not automatically follow from this that avoidable harm to the setting of Richborough must be accepted, particularly given that this scheme cannot be considered as indispensable to meeting the 2030 or 2050 net zero targets. For these reasons, it is our strong view that there is not the clear and convincing justification as required under Paragraph 213 of the NPPF to allow the proposal to cause what is an accepted harm to the significance of a designated heritage asset. Further, it is our view that this harm outweighs the significance weight which we accept will automatically be given to the scheme by virtue of Paragraph 168 of the NPPF.

2. Whether the public benefits of the proposal outweigh the heritage harm.

Following on from the above, CPRE Kent notes from the draft Heritage Statement of Common Ground that the applicant accepts the proposal would cause less than substantial harm to the significance of the Scheduled Monument of the Saxon Shore Fort, Roman port and associated remains at Richborough and the Grade I listed Richborough Castle. We note however that it remains in dispute as to exactly where that that harm falls within the less than substantial spectrum, with the appellant placing it at the lower end and the Council placing it at the middle. Historic England's latest position is also recorded as harm at the middle of the range. Therefore, whilst we are sure the issue of exactly where the harm sits on the spectrum will be occupying much of the inquiry time, it would seem to CPRE Kent that the applicant's position of harm at the lower end is an outlier position.

What however the applicant's draft statement does not make clear is the fact that Richborough is an asset of the highest significance. This matters as not only does NPPF paragraph 212 require great weight to be given to the conservation of designated heritage assets, but it is also the case that the more important the asset, the greater the weight that must be given.

The heritage assets at Richborough are of exceptional importance. As the assumed landing point of the Claudian invasion, Richborough is one of the most important Roman sites in England. The issue in this appeal is not simply how many metres separate the monument from the nearest fence, or whether the solar infrastructure could eventually be removed. The issue is the erosion of the open, low-lying and still legible former Wantsum Channel landscape, whose openness and remoteness are central to understanding Richborough's strategic and defensive position. A large-scale solar farm in this location

¹ <https://www.neso.energy/industry-information/connections-reform>

would intrude into that setting and diminish the ability to read Richborough in its historic landscape context.

In CPRE Kent's view, less than substantial harm to an asset of this importance, even if accepted at the lower end (which we believe it should not be) is a matter of very great weight. The scheme's benefits are important, but they are largely routine benefits of large-scale solar development. As set out above, we do not believe the clear and convincing justification required by NPPF paragraph 213 has been shown. We would further say, with respect to the test under NPPF paragraph 215, the public benefits do not outweigh the less than substantial harm to Richborough's significance, because those benefits are not so site-specific or exceptional as to justify avoidable harm to the setting of one of England's most important Roman sites.

Finally on heritage harm and with respect to the Local Plan, as set out within our previous objections, it is clear to us that the proposal does not ensure the heritage asset, including its setting, is conserved or enhanced in a manner that's appropriate to its high significance and so therefore contrary to Policies SP15 (Protecting the District's Historic Environment). Likewise, we consider the development contrary to HE1 (Designated and Non-Designated Heritage Assets) and HE3 (Archaeology) of the Dover District Local Plan to 2040.

3. Landscape Harm

The heritage harm cannot be separated from the landscape harm. The appeal site lies within the Ash Levels landscape character area identified in the Dover District Landscape Character Assessment 2020 and within the wider Wantsum and Lower Stour Marshes landscape character area of the Kent County Council Landscape Assessment. As set out in our original objection, this landscape is important for its expansive, uninterrupted, long-distance views across the marshes, its lack of settlement and development, its openness, tranquillity and large skies, and its role as the landscape setting of Richborough.

The proposed development would not be a minor as would introduce a very large area of solar arrays and associated infrastructure into an open, exposed and historically sensitive marshland landscape. It would materially alter the character of the site itself and the openness of the Ash Levels. Mitigation planting, even where beneficial in other contexts, does not solve the problem where the quality requiring protection is openness.

There is also a wider cumulative issue. CPRE Kent remains deeply concerned that the Ash Levels and the former Wantsum Channel are facing a gradual accumulation of large-scale energy and infrastructure proposals. The appeal proposal would contribute to that incremental industrialisation.

Policy NE2 (Landscape Character and the Kent Downs AONB) of the Dover District Local Plan to 2040 requires proposals to demonstrate particular regard to the relevant Landscape Character Area. Policy CC3 (Renewable and Low-Carbon Energy Development) supports renewable energy development only where it will not result in significant harm to the surrounding area, landscape character or natural or heritage assets. In CPRE Kent's view, the proposal is clearly contrary to these policies.

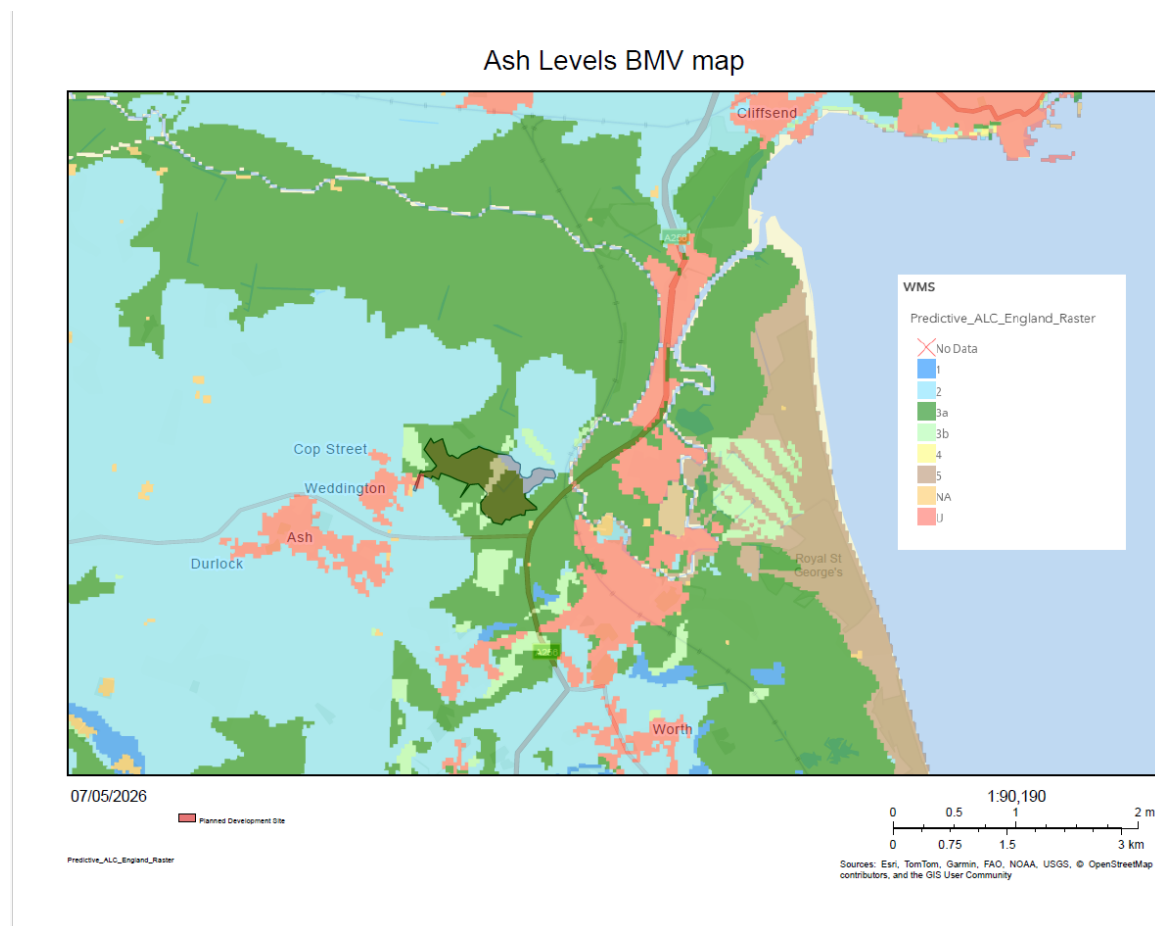
4. Best and most versatile agricultural land

CPRE Kent recognises that the loss of Best and Most Versatile (BMV) agricultural land was not cited as a reason for refusal. However, the loss of any productive farmland remains a material planning

consideration which should be weighed in the overall planning balance. Further, it's our view the appellant's assertion that the site is not BMV land should not simply be accepted without scrutiny.

As set out in our original objection, the appellants assessment that over 90% of the site is Subgrade 3b and therefore not Best and Most Versatile land has been disputed by those with direct agricultural knowledge of the land. In this respect, CPRE Kent is aware that a number of local farmers with good working knowledge of the site will be submitting a statement to the Inquiry which further reiterates their view that the site is good BMV land and is currently in use as productive arable land with some grazing of premium beef cattle. They further note that parts of the land have been farmed for generations, were tile drained with Government grant assistance in the 1970s, and have produced wheat, potatoes, oilseed rape, root crops, vegetables and grazing ever since. It also reiterates the point previously made by Ash Parish Council that 23 acres north of the Gosshall Stream were sold as Grade 1 land in 2007. For CPRE Kent, this is plainly relevant local evidence which casts doubt on the appellant's position.

That doubt is now reinforced by the new Predictive Agricultural Land Classification Map² for England, published as a March 2026 update. Specifically, and as shown in the map below, this now shows the appeal site falling predominantly within land where Grade 2 and Subgrade 3a can be expected.



² <https://defraenvironment.blog.gov.uk/2026/04/13/unlocking-the-national-soil-map-free-and-unrestricted-access-to-england-and-wales-most-comprehensive-soil-data/>

As set out within the technical methodology report that accompanied the March 2026 update, the new map was prepared because the old Provisional Agricultural Land Classification mapping was outdated and did not split Grade 3 land into Subgrade 3a and Subgrade 3b. The new predictive mapping uses the best available spatial data, including soil and climate data, and provides a more up-to-date strategic evidence base. This now shows the application site as being Grade 3a or Grade 2, whereas the mapping in place at the time of the committee meeting showed the application site as blanket Grade 3 (i.e. not show the split).

CPRE Kent accepts that the predictive map is strategic and indicative. However, it is a materially updated national evidence base which does add yet further doubt that the appeal site is non BMV land. At the very least, and where the issue remains unresolved, the cautious approach is to give adverse weight to the long-term removal from productive agricultural use of land which may well include Best and Most Versatile agricultural land.

5. Ecology and biodiversity

CPRE Kent recognises that ecology was not pursued as a reason for refusal. We also note the Councils Senior Natural Environment Officer's view ahead of the committee decision that protected and designated species impacts could theoretically be addressed through mitigation secured by condition. Despite this, it remains at the point of the decision, it was the case that there were still a broad range of potential ecological impacts identified by the Council. These include impacts on designated sites, the Ash Level and South Richborough Pasture Local Wildlife Site, priority habitats, protected species, breeding birds and wintering birds. It was also the case the detail of mitigation remains outstanding.

Of greater significance, the Council's ecology response does not treat the biodiversity benefits as certain. It states that the claimed long-term benefits for the Local Wildlife Site and Coastal and Floodplain Grazing Marsh are based on broad statements with limited detail; that *"the current submission is vague and limiting in its ambitions,"*; and that the biodiversity net gain calculations *"are based on assumptions regarding habitats and habitat condition targets that are not sufficiently evidenced in the submission for DDC to be certain that the stated levels of biodiversity net gains will be achieved."*

CPRE Kent therefore considers that ecology remains a matter requiring further scrutiny by the inquiry, particularly given the site's location within a Local Wildlife Site and wider ecological network. We also anticipate that the Kent Wildlife Trust and the RSPB may seek to make further comments to the inquiry.

6. Other material considerations.

Whilst CPRE Kent understand that the inquiry will be necessarily focused upon the principal heritage and landscape concerns, clearly, we and others have made comments upon a number of other matters relevant to the determination. Those comments continue to stand as the Inspector will need to consider the proposal in the round, having regard to all material considerations and the cumulative effect of the identified harms.

Those wider considerations include the effect on users of public rights of way, rural amenity, construction traffic, access arrangements, operational infrastructure, glint and glare, lighting, local distinctiveness, tourism and the policy objectives of the Ash Neighbourhood Plan.

For CPRE Kent, a particular concern is that the proposal would alter the experience of the local countryside. Users of nearby public rights of way would no longer experience this part of the landscape simply as open, tranquil farmland associated with the setting of Richborough and the former Wantsum Channel. They would experience it in the context of extensive solar arrays, fencing, access tracks, security infrastructure and associated operational development. Construction activity would also give rise to temporary disruption on local rural roads and lanes.

Whilst individually such concerns may not have been considered by the Council to have constituted individual reasons for refusal, taken together, they add to the overall harm arising from the proposal. In CPRE Kent's view, these matters add further adverse weight in the planning balance and reinforce the conclusion that the public benefits of the proposal do not outweigh the cumulative harm identified above.

Conclusion

Even giving significant weight to the renewable energy benefits of the proposal, as required by the NPPF, those benefits do not outweigh the heritage and landscape harms. Specifically, the proposal would fail to conserve the openness of a landscape which is central to understanding Richborough's significance. It would also give rise to further adverse weight through unresolved concerns relating to best and most versatile agricultural land, ecology and biodiversity, public rights of way, rural amenity, construction impacts and cumulative change in an already sensitive landscape.

In CPRE Kent's view, the clear and convincing justification required by NPPF paragraph 213 has not been demonstrated. Further, we do not believe the public benefits of the scheme, even once afforded the significant weight required by NPPF paragraph 168(a), outweigh the harm to the significance of a designated heritage asset and therefore would be contrary to NPPF paragraph 215.

We therefore firmly agree with the Council's refusal on the basis that the scheme is therefore contrary to Policies SP15 (Protecting the District's Historic Environment), HE1 (Designated and Non-Designated Heritage Assets), HE3 (Archaeology), CC3 (Renewable and Low-Carbon Energy Development) and NE2 (Landscape Character and the Kent Downs AONB) of the Dover District Local Plan to 2040, to paragraphs 135, 187, 202, 212, 213, 215 and 219 of the National Planning Policy Framework, and to the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

For the reasons set out above, CPRE Kent submits that the appeal should be dismissed.

Yours sincerely,

CPRE Kent – The countryside charity.



Enclosed

- 1. CPRE Kent original comments dated 14th February 2024.**
- 2. CPRE Kent Ecology comments from Vicky Ellis BSc(Hons) MRes MRSB dated 14th March 2024**
- 3. CPRE Kent updated comments dated 14th April 2025**



The countryside charity
Kent

Application: 23/01363 - Goshall Valley East Street Ash

Proposal: Construction of a solar farm with associated access and infrastructure

We are CPRE, the countryside charity. Formed in 1926, CPRE is a registered charity and one of the longest-established and most respected environmental groups in England, with more than 40,000 members and supporters living in our cities, towns, villages and the countryside. CPRE Kent is the largest of the CPRE County branches with more than 1,300 members, including more than 160 parish councils, civic societies and other Kent organisations and companies.

It is our objective to retain and promote a beautiful and thriving countryside that is valued by everyone. It is our position that planning decisions should seek to ensure that the impact of development on the countryside, both directly and indirectly, is kept to a minimum and that development is sustainable in accordance with national planning policy.

Nationally, CPRE supports the pressing need to rapidly decarbonise the UK power sector. However, in what we see as a once-in-a-century opportunity to upgrade to a sustainable, low-carbon, smart energy system, it is extremely important that the UK's landscape, biodiversity and heritage assets should not be seen as acceptable collateral damage. Overall, it is the charity's position that we need to aim for the best net-zero solution for the countryside, not just whatever is the quickest and cheapest.

While CPRE Kent does not routinely comment upon ground-mounted solar applications that are sensibly located and minimise the impact on the countryside, we do have particular concerns with respect to this proposal. We therefore object to this application on the following grounds:

- 1) **Landscape Impact.** Adopted policy DM16 states that development that would harm the character of the landscape, as identified through the process of landscape character assessment, will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

The site is situated in the Ash Levels. This was noted within the 2020 Dover District Landscape Character Assessment (LCA) for its expansive, uninterrupted, long-distance views across the marshes, the absence of settlement and development, its contribution to sense of isolation and remoteness with a strong sense of place and openness and overall described as a tranquil and rural area, with an open and exposed remote character and large skies. Significantly, the open and remote landscape is noted for its role as the landscape setting in relation to the Grade I-listed Richborough Castle. Accordingly, the LCA states development proposals within this character area should conserve the open landscape and avoid the introduction of large-scale or incongruous elements or any form of development in this unsettled landscape and consider the role of this area as the landscape setting for Richborough Castle.

We are extremely concerned by the cumulative impact this proposal would have when considered alongside similar developments close by. In particular, CPRE Kent has been vocal in its opposition to National Grid's Sea Link proposal, particularly on the basis that to allow that scheme would lead

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to unprecedented industrialisation within the Wantsum Chanel and its surrounds. To allow the current proposal would similarly give a clear green light to the gradual industrialisation of the Ash Levels landscape.

In any event, the landscape impact of this development would be unacceptable when considered in isolation given its location within an area of prominent visibility. This includes the raised ridgeline north of Ash village, footpaths EE92A and EE97 and the long views from the Richborough Roman Fort. Planning Practice Guidance advises that local topography is an important factor in assessing whether large-scale solar farms could have a damaging effect on landscape - and that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.

The adverse impacts cannot be addressed satisfactorily on a site of this size and character, and the suggested mitigation measures are not currently considered sufficient to mitigate for the landscape and visual impact. It is therefore considered that the proposal would have a significant impact on the character of the countryside and a significant adverse impact on the landscape. Consequently, the development would significantly conflict with DM16.

- 2) **Heritage Impact.** Linked to the above, we are extremely concerned to see the applicant's assessment that the degree of harm that the proposed solar farm would cause to the heritage significance of the scheduled Roman site of Richborough, which includes the Grade I-listed Richborough Castle, is minor-adverse. For the reasons set out above, the proposed development would be harmful to the landscape setting of this nationally important Roman site through the loss of openness and remoteness. The associated fencing, access tracks and cameras would add to the entirely incongruous impact of the proposal, which overall would detract from Richborough's landscape context, causing far greater harm to its significance than that suggested.

It is noted that this view is shared by statutory consultee KCC Heritage Conservation, along with a number of noted experts in the area, including the Kent Archaeological Society, the Council for British Archaeology and the Dover Archaeological Group. From the weight of this opinion, it seems clear to CPRE Kent that the harm should be assessed as substantial in the context of NPPF Chapter 16.

NPPF paragraph 206 requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Further, substantial harm to assets of the highest significance, notably scheduled monuments and Grade I and II*-listed buildings should be wholly exceptional. No clear and convincing justification for the proposal has been put forward beyond the routine need to provide green energy. As this could be provided at alternative locations, this is not considered exceptional for the purposes of NPPF paragraph 206. Similar conflict arises with regards to NPPF paragraphs 205 and 207.

- 3) **Loss of Best and Most Versatile (BMV) agricultural land.** The applicant claims that an agricultural land classification survey was conducted in January 2022, revealing that out of the 84.8-hectare site, 78 hectares (92% of the site) comprised Grade 3b soils (Agricultural Land Quality and Land-use Considerations, p.6).

As has now been highlighted by Ash Parish Council, Natural England's Agricultural Land Classification map for London and the Southeast (ALC007) suggests that at least a portion of the site area is classified as Grade 1 land. They further note that this assertion is supported by a local farmer familiar with the site, who informed the Parish Council that the current landowner acquired the land as Grade 1. Additionally, they report that the land underwent significant improvement in the 1970s with government-funded drainage enhancements, substantially augmenting its value and productivity. They conclude by noting that the land currently yields annual crops such as wheat, oilseed rape and potatoes, indicating that it must meet at least a 3a standard.

The NPPF defines best and most versatile land as land in Grades 1, 2, and 3a of the Agricultural Land Classification. Paragraph 180(b) of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land.

Footnote 62 to paragraph 181 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer-quality land should be preferred to those of a higher quality. In the interests of ongoing food security, this valuable agricultural land should not be lost to development.

This is a significant campaigning issue for CPRE, with our recent report '*Building on our food security*' highlighting that over the past 12 years we have lost more than 14,000 hectares of prime agricultural land to development, including 287,864 houses - equivalent to the productive loss of some 250,000 tonnes of vegetables and enough to provide almost two million people with their five-a-day for an entire year. Further, this is a worsening situation, with 2022 seeing the greatest number of hectares of BMV land planned for development - equating to a hundredfold increase on the number of hectares of BMV land built on in 2010. Best and most versatile agricultural land is needed to help feed the country's population. Recent world events indicate the need to protect such land. The loss of such an important resource would compromise the ability of future generations to meet their own needs, contrary to the NPPF.

In view of the above, the applicant's claim as to the quality of the soil will need to be robustly scrutinised to ensure it is correctly accounted for within the planning balance.

- 4) **Ecological Impact.** The site is almost entirely within the Ash Level and South Richborough Pasture Local Wildlife Site (LWS). This LWS is designated for supporting a range of habitats, including the Priority Habitat, Coastal and Floodplain Grazing Marsh and a botanically rich ditch network, both of which are present on the application site. The Dover Green and Blue Infrastructure Strategy Evidence Report dated May 2022 identifies Biodiversity Opportunity Areas (BOA) areas considered to be of key focus in the Kent Biodiversity Strategy to enable the greatest biodiversity gains. Ash Level and South Richborough Pasture LWS is identified as one of the key target areas for restoration and enhancement as part of the Great Stour floodplain. The site also falls within the Impact Risk Zone for the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI).

We note the concerns of others, in particular Sandwich Bay Bird Observatory (SBBOT), that the ecological survey appears to have overlooked two nationally significant bird species: breeding Turtle Doves (listed as critically endangered on the Red list) and wintering Golden Plovers, which congregate here in notable numbers of national significance. Turtle Doves are particularly crucial as they represent a critically endangered species, and East Kent stands as one of the last remaining

bastions for them. They are extremely sensitive to any disruption in their nesting habitat, primarily hedgerows and scrubby thickets. Golden Plovers, on the other hand, illustrate the interconnectedness of this site with surrounding habitats, extending all the way to the coast.

SBBOT point to counts that indicate that more than 1% of the UK's wintering population of Golden Plovers utilises this site. As it states, Golden Plovers' movement for feeding and roosting is contingent on various factors such as weather, disturbance and food availability. Notably absent from the survey are evening or nocturnal surveys to account for feeding and roosting bird activity, as well as consideration of tidal stages when birds may migrate here from the coast. Moreover, Golden Plovers are known not to feed beneath solar arrays.

Additionally, it observes that the survey fails to acknowledge the presence of other breeding species such as Grey Partridge, Yellowhammer, Corn Bunting and Cetti's Warbler (a Schedule 1 species), with Hobbies and Barn Owls also frequenting the vicinity. Many of these species utilise ditches and hedges as nesting sites but are intolerant to disturbance or loss of the surrounding habitat essential for feeding. Various other vertebrates including Water Voles, Water Shrews, Grass Snakes and Slow Worms are likely to be impacted adversely by the proposed development.

Likewise, Buglife points out that the grassland habitat in association with the wetland features of the site could support nationally rare and scarce invertebrates, including Priority Species under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 and that these species are a material consideration in a planning application. It therefore calls for invertebrate surveys to be conducted within the ditch network by an expert in invertebrates. This is essential for providing an accurate assessment of the site's significance and is crucial for informing the appropriate management of wetland features throughout the operational phase of the development.

In view of these comments, it seems clear to CPRE Kent further surveys, along with any proposed mitigation measures, will need to be submitted prior to the determination of the planning application. Further, its only upon completion of these surveys can a conclusion be reached as to whether the development will achieve a biodiversity net gain.

- 5) **Construction impact.** We note and share the concerns of local residents as to the impact of the site access in the context of the rural setting and existing rural road network. Accordingly, we have significant concerns regarding the management of traffic to and from the site, and the potential impacts on the local population. In CPRE Kents experience, this aspect is not being sufficiently nor robustly considered at the application stage, leading to significant and prolonged impacts upon the local community. In particular, the would point to current and significant harm the construction of the Cleve Hill Solar Park in the Swale District is currently having upon the residents of Graveney.

Conclusions.

It is our overriding concern that neither the cumulative impacts of the proposal, nor the impact upon the Heritage Asset of Richborough, have been adequately assessed or addressed within the proposal. We are also concerned that the Ecological Impact, along the impact of construction traffic, is not currently being fully accounted for.

On current information, and notwithstanding the benefits this scheme would bring in terms of that the need to decarbonise the UK power sector, the proposal would be contrary to both the policies of the adopted development plan as a whole, and those of the NPPF. It is therefore our view this scheme should be refused.

Yours sincerely

CPRE Kent – The countryside charity.



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Miss Rachel Morgan
Dover District Council

developmentmanagement@dover.gov.uk

March 2023

Application Ref: 23/01363 – construction of a solar farm with associated access and infrastructure.

By email only.

Dear Miss Morgan,

This is a further response from CPRE Kent on biodiversity matters only, to be considered in addition to our previous comments.

CPRE Kent would like to object to the application to construct a solar farm with associated access and infrastructure for the following reasons.

- Light pollution
- Lack of a Habitat Regulations Assessment (HRA)
- Missing Protected Species Survey data
- Sub-optimal surveys
- Discrepancies with the BNG calculation
- Situated on a Local Wildlife Site (LWS)
- Functionally linked land

Light Pollution

The application site is situated in a tranquil dark sky area of the Ash Levels. This tranquillity would be severely negatively impacted by light pollution from the construction area, the substation and the security lighting surrounding the site once completed.

This LWS is particularly important for its invertebrate assemblage being part of the Kent Downs and Stour Valley Important Invertebrate Area, bats for foraging and commuting, wintering birds and other nocturnal wildlife. Artificial light at night is a known disrupter of wildlife behaviour and can cause localised crashes in populations of certain species such as moths¹, negatively affect the efficacy of amphibians² and severely disrupt aquatic invertebrates - an important food source for aquatic wildlife. Due to increased pressure from local development and the accumulative effect of other

¹ <https://butterfly-conservation.org/news-and-blog/why-is-light-pollution-bad-for-moths#:~:text=Most%20of%20the%20UK's%20moth,can%20be%20disorienting%20for%20them.>

² <https://www.froglife.org/2019/11/28/croaking-science-artificial-light-at-night-a-problem-for-amphibians/>

nearby projects and solar farms, the tranquillity that the Ash Levels offer has become increasingly significant of late.

To date, no invertebrate survey has been carried out or is intended to be carried out. We would like to see a full invertebrate survey which incorporates an aquatic invertebrate study so as an informed decision can be made.

Lack of HRA

The application site is within the zone of influence for internationally designated and protected sites. It lies approx. 1.6km (<1 mile) from the Sandwich Bay Special Area of Conservation (SAC), Sandwich Bay and Thanet Coast Special Protection Area (SPA), Sandwich Bay and Thanet Coast Ramsar. It has been established that the Ash Levels are functionally linked to one or all the internationally designated areas and so we would expect to see an HRA requirement.³

The House of Commons Research Briefing, dated February 2024, entitled Planning for Solar Farms state,

‘Habitats regulation assessment. Where solar farms might have a significant effect on habitats and/or species protected by the Conservation of Habitats and Species Regulations 2017, an LPA must undertake a habitats regulations assessment (HRA). Areas that are protected under the Habitats Regulations are:

- *special areas of conservation (SAC), which protect certain habitats and species (other than birds).*
- *special areas of protection (SPA), which are protected areas for birds.*

In total, there are 656 special areas of conservation and 286 special areas of protection in the UK....In addition, Ramsar Sites (wetlands of international importance that are designated under the Ramsar Convention on Wetlands), proposed SACs, potential SPAs, and sites compensating for damage to SACs and SPAs are also protected under the Habitats Regulations.

Where a proposed project is likely to have “significant effects” on a protected habitats site, an LPA must assess and consider its likely effects on the site and identify ways to avoid or mitigate adverse effects. If adverse effects cannot be avoided or mitigated, the LPA must refuse consent to the proposed project.’

Coastal squeeze is increasingly forcing over wintering birds inland onto surrounding farmland such as Ash Levels. Therefore, the importance of Ash Levels as functionally linked land has become increasingly vital for the survival of migratory birds that would ordinarily remain in more coastal areas.

Lack of protected species and botanical data

The botanical survey was carried out during the month of March. This is suboptimal and would have yielded extremely limited results. Botanical surveys should be carried out from April to September with late May to July as being optimal times to survey. Many species of plants do not begin to emerge until June/July and therefore a likelihood of key species being missed was highly probable.

³ <https://researchbriefings.files.parliament.uk/documents/CBP-7434/CBP-7434.pdf>

Whilst the Phase 1 Habitat Survey may have yielded enough results for the ditches, it is highly likely that key species from the rest of the site, such as along the hedgerows and in the proposed area for the scrap for instance, would not. Therefore, a full and detailed botanical survey across the whole site should be carried out during optimal times of the year, by a suitably qualified botanist so as an informed decision can be made.

Four visits were carried out for the Breeding bird Survey. According to Bird Survey Guidelines ⁴ it is recommended six surveys are carried out.

There are also protected species surveys that should be completed for dormice, invertebrates, nesting bird survey, bat activity survey, bat emergence survey and reptile survey. Establishing presence and absence and likely population would then inform any mitigation proposals or if indeed the development should go ahead. It is not best practice to not establish likely presence and absence and to make assumptions based on personal perception, rather than survey data. However, absence of evidence is not evidence of absence were the surveys to result in lack of data.

Curlew. The Biodiversity 8.0. 8.172 report states that the construction process is likely to result in the permanent loss of habitat for, among other protected species, the Curlew. An independent Inspector dismissed an appeal, at a recent appeal hearing, finding in support of the council's decision to refuse planning permission on the grounds of Curlew historically and actively using the proposed site at Grimsby - established as functionally linked land to local nationally designated sites.⁵ Ash Levels, also functionally linked land, is utilised by Curlew and therefore, CPRE Kent urges a cautious approach and careful consideration must be afforded to any planning decision following the Inspector's findings for the Grimsby development.

Scrape creation

The Ash Levels forms part of the Kent Downs and Stour Valley Important Invertebrate Area, therefore, prior to any approval for the scrape is agreed, an invertebrate survey should be carried out along with a detailed botany survey at the appropriate time of the year to avoid potential harm to any important invertebrates or key species of flora.

Hedgerow BNG calculation

The application mentions the removal of a 4m length of hedgerow. Yet the BNG calculation states the length for hedgerow number 1 as 0.316 km and length for hedgerow 2 as 0.277 km. Yet the baseline also states retained hedgerow length for no 1 as 0.316 and hedgerow 2 as 0.277, with no adjustment for the 4m removal. Furthermore, the metric calculation describes hedgerow 1 as being of low distinctiveness but good condition and hedgerow 2 as of medium distinctiveness and good condition. The report, however, describes the hedgerows as all being species poor. Further, within the metric calculation there is no mention of hedgerow 3, whilst the report mentions three lengths of hedgerow. Furthermore, the report does not specify whether the 4m removal will be taken from the low or medium distinctiveness hedgerow, which will also affect the final calculation. These need clarifying.

Summing up

BSG Ecology detail the small number of surveys it has carried out but gives inadequate reasons for either not carrying out the recommended number of surveys, surveying at suboptimal times of the

⁴ <https://birdsurveyguidelines.org/methods/survey-planning/>

⁵ <https://thewryneck.blogspot.com/2024/03/independent-inspector-dismisses.html>

year or not surveying protected species at all. For an area as well used as the Ash Levels by several protected species, plus being functionally linked to the SPA, we find the report consistently downplays the importance of protected species likelihood of presence on site and uses this to justify its advice to either not survey further, or not requiring a survey at all. Thus, not even establishing a presence/absence or likely population. This lackadaisical approach does not follow best practice and gives the impression of cutting corners.

At the very least all protected species surveys should be carried out in full at the appropriate times of year by a suitably licenced and qualified ecologist along with the necessary HRA.

BNG metric calculations should account for any losses in habitat and compensate accordingly so as to attain the mandatory 10% net gain.

Yours Sincerely

Vicky Ellis BSc(Hons) MRes MRSB

General Manager

CPRE Kent, the countryside charity



The countryside charity
Kent

Application: 23/01363 - Goshall Valley East Street Ash

Proposal: Construction of a solar farm with associated access and infrastructure

CPRE Kent has carefully reviewed the additional information and amendments provided by the applicant regarding the proposed solar farm at Goshall Valley, East Street, Ash. While acknowledging certain minor improvements, notably the reduction in panel height and adjustments to their positioning relative to heritage assets, these measures do not sufficiently mitigate the substantial landscape and heritage impacts we have previously highlighted. The proposal continues to fundamentally compromise the rural and historic setting, particularly the Ash Levels and Richborough Roman Fort.

We remain concerned about the ongoing dispute regarding the quality of the agricultural land involved. The applicant's assertions about land classification continue to conflict with local knowledge indicating that significant portions of the site are of higher-grade agricultural quality. Independent verification is required to resolve this issue fully and transparently.

The ecological information submitted remains inadequate. We strongly endorse the detailed concerns expressed by Kent Wildlife Trust, specifically regarding insufficient ecological surveys, inadequate mitigation measures for protected species, and unresolved impacts on the Local Wildlife Site.

In particular, the bird surveys are suboptimal and incomplete (insufficient number of visits/no dusk surveys – consideration of nocturnal and crepuscular species such as barn owl or thrush which are more active at dusk).

Given the continuing significant impacts across landscape, heritage, agricultural land, and ecology, CPRE Kent maintains its objection to this proposal. We await further responses from statutory consultees and reserve the right to comment further as necessary.

Based however on the information currently provided, planning permission should be refused.

Yours sincerely

CPRE Kent – The countryside charity.



The countryside charity
Kent



W. www.cprekent.org.uk

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