

ENSO Energy
The Priory
Long Street
Gloucestershire
GL11 4HR

Dear Sir/Madam

Reference No: CA/21/00812
Proposal: EIA Screening opinion request in relation to proposed installation of a solar farm and battery storage facility with associated infrastructure.
Location: Land South Of Marley Lane, Hoath, Kent,

You have requested that the local planning authority issues a screening opinion under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 [the EIA Regulations] as to whether the following development represents EIA development within the meaning of the EIA Regulations and therefore requires an Environmental Impact Assessment (EIA):

EIA Screening opinion request in relation to proposed installation of a solar farm and battery storage facility with associated infrastructure.

The NPPG sets out that the aim of EIA is to protect the environment by ensuring that a local planning authority, when deciding whether to grant planning permission for a project which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process. It is not considered that the development would have a regional or national significance that would require referral to the Secretary of State. However, the rights of the Secretary of State to undertake a screening direction remain unaffected should they decide to exercise such powers.

Having considered the proposals as detailed in your submission and accompanying information received, Canterbury City Council, as the local planning authority, notes that the application does not fall within Schedule 1 of the EIA Regulations but falls within Schedule 2, Section 3a of the EIA Regulations, being an *industrial installation for the production of electricity* over 0.5 hectares in size. The inclusion of a proposal within Schedule 2 does not in itself mean that an EIA is required, merely that the development may be of a significant environmental impact or size that could require an EIA to be undertaken.

Schedule 3 of the EIA Regulations (Selection Criteria for screening Schedule 2 development) provides guidance on the assessment criteria for assessing

whether the development requires an EIA. This assessment should be undertaken having regard to:

1. Characteristics of development;
2. Location of development; and,
3. Types and characteristics of the potential impact.

Consequently, the local planning authority should consider whether a development proposal would be likely to have significant effects on the environment and therefore whether or not the proposal requires an EIA.

In this instance, the Local Planning Authority is of the opinion that an EIA is not required to be undertaken for the proposal as it is not considered to be EIA development.

The reasons for adopting this screening opinion are as follows:

CONSULTATIONS

CCC Archaeology & Heritage - Advise that for this development an EIA for built heritage and archaeology is not required

CCC Environmental Health - A CEMP would be required

Chislet and Hoath Parish Council -

- - Raises concerns regarding accuracy of letter from applicant
 - Notes that there is Grade 1 land within the site/proposal would result in loss of productive arable farmland
 - Manmade features are absent from the land and this proposal would have a significant impact on the rural landscape
 - The development will impact biodiversity and employment
 - Proposal requires more thorough consultation with public
 - Animals will not graze around the panels
 - Concerns relating to highway/pedestrian safety during construction
 - Heritage and archaeological assets will be affected
 - The development will not be fully reversible as stated
 - An Environmental Statement/Environmental Impact Assessment should be required

Coal Authority - The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted

Environment Agency - No comments to make

Natural England -

- - The development could have a likely significant effect on statutorily designated nature conservation sites or landscapes and further assessment is required.

- The proposed development is located within/partly within or has the potential for adverse effects on the following designated nature conservation sites or designated landscapes:
 - Thanet Coast and Sandwich Bay SPA/Ramsar
 - Stodmarsh Ramsar/SAC/SPA
 - Kent Downs Area of Outstanding Natural Beauty
- Natural England has not assessed the significance of any impacts on these designated sites or landscapes
- Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this proposal is likely to affect such populations to an extent sufficient to require an EIA.
- Recommends that advice is sought from LPA's own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape, geodiversity and biodiversity receptors that may be affected by this development before determining whether an EIA is necessary

KCC Ecology -

- There are no statutory designated sites within or adjacent to the boundary of the development and therefore, we advise that the site does not fall into an ecologically designated 'sensitive area', (although note that our comments do not include (d), (e) or (f) within the definitions of 'sensitive area' in the EIA Regulations 2017 in relation to archaeological, AONB and world heritage sites). The development site is predominantly arable fields with hedgerows and as the proposal is intending to retain the hedgerows within the site we advise that it is unlikely that the development will have a significant impact upon any designated habitats or species. Based on the above conclusions we advise that for this development an EIA for Ecology is not required.
- There will be a need for a Preliminary Ecological Appraisal (PEA) or a Ecological Impact Assessment (EclA) to be submitted with any planning application. The Chislet Marshes, Sarre Penn and Preston Marshes Local Wildlife Site is directly adjacent to the southern boundary of the proposal and therefore the PEA/EclA must assess the impact of the proposal on the LWS (in addition to the other designated sites within the surrounding area).
- The PEA /EclA must consider the ecological connectivity within the surrounding area and through the site and there is a need to ensure that any proposal will not result in the loss/decline of ecological connectivity

KCC Highways - Require a full Construction Traffic Management Plan

KCC PROW - Suggests measures to safeguard usage of PROWs within any future proposal

Kent Police - Suggest measures to improve site security

ASSESSMENT

By virtue of the land area exceeding 0.5ha, the proposal triggers a screening requirement as per Schedule 2 of the EIA regulations.

1. Characteristics of development

Schedule 3(1) (a-g) of The EIA Regulations:

- A. The size and design of the whole development*
- B. Cumulation with other existing development and/or approved development*
- C. The use of natural resources, in particular land, soil, water and biodiversity;*
- D. The production of waste*
- E. Pollution and nuisances*
- F. The risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change*
- G. The risks to human health (for example, due to water contamination or air pollution).*

The development comprises predominantly agricultural land to the south of Hollow Street and Marley Lane. The site extends to approximately 101ha and the development would be for a solar farm together with battery storage facility and associated infrastructure. The proposal would have an export capacity of up to 49.9 MW for distribution to the national grid. The proposal would operate for a temporary time period of approximately 40 years. It is suggested within the submitted documentation that the solar panels would be a maximum of 3m in height which would limit their visibility from outside parts of the site and the overall impact on the landscape itself. While there is an existing solar farm circa 1.6km to the west at Woodlands Farm on Calcott Hill, that is visually separated from the site by roads and intervening buildings and mature vegetation.

The proposed development would utilise Grade 1, 2, 3 and 4 land according to internal planning maps. An Agricultural Land Classification report would need to be submitted with any future application to ascertain the quality of the land at the site.

Impacts on water courses can be controlled by CEMP during construction and by SUDs when complete. While full ecological impact surveys will be required, with ensuing mitigation schemes if appropriate, it is considered that impacts on natural resources and biodiversity would not be likely to be significant such that full EIA Assessment is required. KCC Ecology concur with this conclusion in relation to biodiversity, although stress that ecological assessment will be required with any future application (including PEA/EcIA and any additional reports necessary). Natural England has commented that the proposal could have a likely significant effect on the Thanet and Sandwich Bay SPA and Stodmarsh. The Thanet and Sandwich Bay SPA is affected by the recreational impact of development (typically occupiers of new homes), whilst NE advice on Stodmarsh advises that it is being impacted by an increase in residential accommodation and greater wastewater output. Given this proposal is for a solar farm, it is considered that the environmental impacts on those SPAs would not have a likely significant effect.

The traffic impacts are unlikely to be significant during the lifetime operation of the development, with impacts on traffic and the transportation network likely greatest during construction instead. The impacts on the transport

network would require thorough assessment, with any application informed by a Construction Traffic Management Plan.

Noise arising from transformers, substations and other associated infrastructure would be assessed at full application stage, with the details of layout and any necessary Noise Impact Assessments enabling technical assessment. The proposal would be unlikely to necessitate any significant use of natural resources, or produce waste, pollution or nuisance beyond that reasonably associated with the installation of a solar farm.

The proposed development is not considered to be vulnerable to any major accidents or disasters, or of risk to human health either during construction or operation.

In line with the above, it is considered that the characteristics of the development are such that it would not be likely to have a significant impact on the environment.

2. Location of development

Schedule 3(2) (a-c) of The EIA Regulations

Schedule 3 of the EIA Regulations states that the environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard, to:

- A. the existing and approved land use;*
- B. the relative abundance, availability, quality and regenerative capacity of natural resources in the area and its underground;*
- C. the absorption capacity of the natural environment;*

In the case of development types categorised in Schedule 2, the location must be examined to determine if the site is in a sensitive area as defined in the Regulations. If the development is in a sensitive area and is likely to have significant effects then it is EIA development. Sensitive areas include SSSI's, European sites, AONB, National Parks, the Broads, World Heritage Sites and Scheduled Monuments. The proposed development is not located within a sensitive area as defined in Regulation 2(1).

The site itself consists of primarily agricultural land. To the south and partially within the site is the Chislet Marshes, Sarre Penn and Preston Marshes Local Wildlife Site (LWS), which is also a flood zone area. To the east the site is bordered by the Hollow Street and Chislet Forstal Conservation Area and to the west the site is roughly in line with the edge of the Hoath, Rushbourne and Tile Lodge Conservation Area. To the north east and west of the site, the closest listed buildings are the Grade II* listed Tudor House and Church of the Holy Cross. There are a further group of listed buildings in Hoath to the north west. The site is also bordered by The Wantsum Channel Area of High Landscape Value to the south and east. The site does consist of trees and hedgerows, but is predominantly managed as agricultural land.

The Stodmarsh SPA is located approximately 1.2km to the south of the site, the Thanet and Sandwich Bay SPA is located approximately 6.1km to the

north west and the Blean Complex SAC is located circa 635m to the north west. The Kent Downs AONB is located approximately 8km to the south.

The site comprises a Public Right of Way (PROW CB100A) within the western half of the site which runs from Church Road towards Chislet Park Farm Cottages. There are also PROWs bordering the site to the west and east. The site contains a number of fields, which appear self-contained and separated from adjoining fields by vegetative screening along the boundaries. There are open views across the site in parts, with other views impaired by vegetation. Surrounding the site are other areas of agricultural land.

The solar panels would not be particularly high which would reduce the overall impact on the landscape itself. A Landscape and Visual Impact Assessment would be required alongside any future application which would assess localised and long distance views of the proposal. This would inform details of the mitigation required to reduce the visual impact. With regard to criteria 2(c)(viii) relating to landscapes of historical, cultural or archaeological significance, the development would be bordered by an AHLV and two conservation areas. The reversible nature of the development together with the topography of the land and intervening vegetation would limit the visual impact on nearby heritage assets. Impact on the landscape and setting of heritage assets could be further mitigated through good design and arrangement of the infrastructure across the site and screening planting.

Part of the site falls within an Area of Archaeological Potential. Archaeology can be managed through initial studies submitted with the application and imposition of planning conditions. The application will require submission of a Design and Access statement, Heritage statement, Archaeological Desk Based Assessment and Landscape Visual Impact Assessment.

Whilst there may be more significant effects through construction, this could be effectively mitigated through appropriate measures and the application of construction management best practice. Once completed, the proposal could be operated alongside agricultural use of the site for livestock grazing.

In line with the above, it is considered that the impact of the proposal is not likely to be significant in the context of comparative land uses, natural resources and absorption capacity of the natural environment.

3. Characteristics of the potential impact

Schedule 3(3) (a-h) of The EIA Regulations

Schedule 3 states that the likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account—

- A. the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);*
- B. the nature of the impact;*
- C. the transboundary nature of the impact;*
- D. the intensity and complexity of the impact;*
- E. the probability of the impact;*
- F. the expected onset, duration, frequency and reversibility of the impact;*

- G. the cumulation of the impact with the impact of other existing and/or approved development;*
H. the possibility of effectively reducing the impact.

Regulation 4(2) relates to the following factors:

- (a) population and human health;*
(b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC(a) and Directive 2009/147/EC(b);
(c) land, soil, water, air and climate;
(d) material assets, cultural heritage and the landscape;
(e) the interaction between the factors referred to in sub-paragraphs (a) to (d).

In relation to the criteria set out in Schedule 3(3), and having regard to the factors set out in Reg 4(2), given the scale, nature and function of the development, it is considered that localised impacts will be considered and assessed through the regular applications process as set out above. The proposal would not give rise to any transboundary impact given its nature and location. The scheme would not likely comprise any unusual complexity or novel methods or design of construction likely to give rise to complex or significant environmental impacts. The proposed development, due to its nature, is unlikely to have any significant impact on the environment. The proposal is for a one-off development that could be reversed. It would not give rise to unusual issues of duration or frequency given its nature.

Having regard to the above matters, the development, both during its construction and future operation would not be likely have a significant impact on a number of areas of acknowledged interest, including visual impact, loss of habitat and/or wildlife, noise and light pollution, contaminated land, traffic generation and existing landscapes of significance.

RECOMMENDATION

Given the characteristics and location of development and the characteristics of the potential impact outlined above, it is considered that the proposal would not be likely to have significant effects on the environment. Canterbury City Council therefore concludes that the development is not EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and that an EIA is not required.

Yours faithfully

Andrew Gambrill
Case Manager