

EDF Renewables (“EDF”) Appeal against Ashford Borough Council’s Refusal of Planning Consent

Ref: AP 90705 Church Lane Group Presentation at Day 1 of Planning Inquiry:

Good morning, Sir. I represent the Church Lane Group. Thank you for allowing me to speak at your Inquiry.

In the time available to me I propose to cover two key issues. The first relates to the misconceived design of the Appellant’s scheme because of its panel layout and resulting terrible adverse visual impact and the second, its construction traffic management plan – should the scheme go ahead.

Could you please confirm whether you would like me to cover both now or deal with the traffic aspect at a later stage in the Inquiry?

A Missed Opportunity

The Church Lane Group is not what the present government chooses to call the “*blockers*”, “*naysayers*” and “*nimbys*”. We recognise it is inevitable that there will be a renewable energy scheme located close to National Grid’s Converter Station in Church Lane at some point. It is a logical point of connection to the Grid. It has never been a case of “*not in my backyard – go away*”. Instead, we have done our best to talk in a constructive way with EDF and its agents over the last 3 years. We, and those who live in this part of the Parish and enjoy this countryside – as well as those who come after us will have to live with the design of this scheme for decades. Therefore, is it not entirely reasonable for us to expect a scheme of **good design** which has evolved over time through practical engagement with those who stand to be most affected?

In the early stages EDF were prepared to talk with us, they met with us and exchanged correspondence but all of that stopped about two years ago. We received no responses to our emails or telephone messages. For whatever reason they were no longer interested in further discussion with us.

So, if we are not in principle against a scheme at this location what do we believe is the key thing that EDF have got wrong? Well, as we have asked them and their agents endlessly, “*why are you proposing to locate part of your scheme on a hill – at 73 m above sea level - one of the highest points in the parish – where it will be so visible in the landscape particularly when viewed from Aldington Ridge and the Aldington Conservation Area and in terms of the setting of so many historic buildings in this pre-plague settlement*”.

I hope Sir that you have been able to see the detail on the plans we included in our representations. We asked EDF to reorganise the panel footprint and relocate about 17 acres of their scheme from the southern slope of Bested Hill to a field **already within the red line boundary** – a low-lying area of imperfectly drained very poor agricultural land capable of being screened from most viewpoints by a combination of allowing existing hedges to grow up and planting new. Reasonable enough you would have thought and worthy of some dialogue.

But no, EDF have never responded to this suggestion. Never explained why they did not talk to the LPA about a compromise layout incorporating this idea and instead they have pressed on doggedly with this Appeal.

We think we know why. There is one isolated house in the lane – Bested House. It was a house purchased by the HS 1 project in the late 80s. It was within the so-called “safeguarded zone” where owners could sell properties at open market value despite being affected by the new railway. Once the new railway was completed, HS1 sold it on the open market with the proviso that no future owner could claim for noise caused by the proximity of the new trains.

On top of the house being close to HS1, the Partridge Farm Solar Scheme was installed 10 years ago just 43m from the house. This solar scheme was there when the present owners bought the house.

Notwithstanding these facts, and by whatever means, the owners of the house successfully pressurised EDF into moving the panels away from the house – not just by a few yards but by at least 150 m in every direction including the land on the other side of the lane.

I know that the homeowner asked EDF to purchase their house and they had refused. Indeed, knowing this to be the case we pressed EDF to purchase it suggesting that like HS1 it could, once the solar scheme was built, sell it on in the open market. No answer from EDF, no explanation. We tried again when the owners put the house on the market for sale last year. Surely EDF would consider purchasing it now that it was on the open market? But no and once again no response to our further contact with them and their agents.

We strongly suspect that they didn’t want to purchase through fear of setting a precedent of buying houses that are close to their future solar schemes. Ironically, what they are now likely to have done is set a precedent for the schemes which says that panels will always be at least 150 m from any residential property.

There is a similarly isolated property in the parish affected by the Stone Street NSIP Scheme. This house is not currently injuriously affected by anything, has lovely views across open countryside, there’s no existing solar scheme and certainly no train. It will be completely surrounded by panels if the NSIP goes ahead. Even after much pleading, the owner has only managed to get them to move the panels to 30 m from the house.

Why did EDF not look with their Landscape Planners and Ecologists at how hedge and tree screening could provide entirely adequate mitigation for Bested House within 10 years while retaining the plan to remove panels from the field immediately to the south of the house – which is its main aspect?

In short it is clear that EDF over-promised and in doing so have boxed themselves in. Instead of looking at everything in the round and adhering to the statutory requirement for achieving a scheme of **good design** compliant with planning policy guidance and the Local Plan it has instead become hamstrung by what it voluntarily and too hurriedly signed up to do.

The fact that the owners of the house put it on the market last year suggests they have no long-term personal attachment to the house and its setting. Whether or not that is the case, the house in any event didn’t find a buyer – so the radical panel exclusion zones didn’t work anyway.

This is a sorry tale of a missed opportunity. EDF had the opportunity to win local support and, we believe, the approval of the LPA for a scheme that would have met their project objectives. They did not have to change very much. Now we are left with a scheme with a design that is fundamentally flawed and because of that we hope on account of the points I have made today and those covered in our previous Representations, you will see fit to Dismiss this Appeal. Thank you.

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Traffic and Transportation - Construction Traffic Management Plan (“CTMP”)

I have on behalf of the Church Lane Group tried in our Representations to explain the practical impossibility of Church Lane remaining open to traffic during construction if Consent were to be granted.

Whilst the Appellant long ago indicated to us that it would have no objection to applying for temporary closure if requested to do so by the Highways Authority we have, in our own conversations with KCC made no progress on this seemingly obvious solution.

Rather than just reiterating the points we have made in our representations I understand you are content for me to show a short video of the lane running between its junction with the A 20 and the point just south of the narrow humpbacked bridge over the river where EDF propose to access all the development land south of the railway bridges.

The film highlights the numerous and often huge developments in the lane that are either in being, being constructed or are consented and about to be built. There is the Southern Water Sewage Works, a UKPN substation where the the Stonestreet NSIP scheme will connect, the Welsh Power Gravity Condenser Unit (a huge project currently under construction), The National Grid Converter Station itself, the consented Pivot Power Battery Storage facility where we understand construction is imminent and a second UKPN substation that powers the HS 1 railway.

KCC in their letter of 21st February last year raised serious concerns about EDF’s woefully inadequate draft CTMP. However, KCC made suggestions to EDF about how they might make a workable plan for construction access where all high sided HGVs are directed to the principal site compound where they should be unloaded onto tractor and long trailer units which then exit the principal compound and travel along the lane southwards to the secondary compound beyond the humpbacked bridge. KCC suggest that this will work while public traffic (and construction and staff traffic from all these other sites) is safely managed somehow – by a Banksman!

I can find no updated CTMP incorporating these suggested changes.

The film will hopefully bring home the absurdity of this concept and why KCC should after all work with EDF to provide a temporary closure of the lane during construction for the well-being and safety of everybody.

Before running the film, please note that it ends south of the humpbacked bridge at a bell mouth access into the existing Partridge Farm Solar Scheme. KCC contend that even if it were necessary to close the lane to public traffic there is a refuse lorry problem. This once-a-week collection along the lane must be able to continue northwards along the lane and it cannot do so if the road is closed.

Surely if EDF’s current proposal is that a Banksman can manage everything I’ve described he can surely manage one lorry coming through once a week on a known day at a known time? If he can’t (and I cannot see why not) then, as now happens with high sided lorries that mistakenly

come down the lane from the south and find they can't get under the bridges, the refuse lorry can as they do, turn in the bell mouth access that you will see at the end of the film.

Please can you start the film?

On exiting the A 20 the lane is widened this improvement done 50 years ago as part of the converter station development. Ahead is the M 20 bridge which was built over the lane. The principal access and only access for high sided HGVs is coming up on the right - a narrow track which you will see in a moment up to the right just behind the silver car. Adjacent to this you can see the security fencing and gates to the huge Welsh Power condenser unit scheme under construction.

This concrete unsighted access on the left serves the Southern Water sewage works and the main UKPN substation which will be the point of connection for the Stonestreet Green scheme if consented meaning extra traffic coming in and out of this access next year.

The area on the left is National Grid's converter station. The amount of traffic varies but these car park areas are often full of cars when a project is ongoing. HGVs regularly come and go from this access on the left.

The lane now returns to its singletrack width and on this next bend the access going up to the right will serve the consented Pivot Power battery storage scheme where we believe construction is imminent so a lot of traffic will be coming in and out of here potentially as soon as next year.

And lastly on the right the other UKPN substation powering HS1 with its own traffic.

We are now approaching the main height restrictions of the two railway bridges and the narrow humpbacked bridge over the river. This is where EDF's banksman will be holding the traffic while tractor and trailer units come along the lane as we have been doing from the main compound and here where the road always floods will be where traffic will be waiting to come through from the south.

And finally, this is the access and turnaround area which I referred to as being suitable for the refuse lorry to turn round in if that were to be necessary.

So, in conclusion Sir, EDF has told us previously that it will work with the highway authority for a temporary closure of the lane but will not apply for this unilaterally. If therefore KCC are content that the CTMP can, despite the description I have given, provide for the public to safely use Church Lane throughout construction in amongst all these other sites whether by use of a banksman or under temporary lights, please can it explain to you *exactly* how this is going to work because those who have lived in this area for a very long time do not believe that it is possible.

If this scheme, poorly designed though it is, is to be upheld at Appeal then **please** at the very least Sir, can you find a means of persuading or indeed requiring the Appellant and KCC to arrange a temporary closure of the lane during construction? We do hope so.

Leaving the lane open during construction will, for all of those who live in the area and in the lane, feel like adding insult to injury.

Thank you