



NEW ASH GREEN VILLAGE ASSOCIATION LTD

Registered Office: Centre Road, New Ash Green, Longfield, Kent DA3 8HH

Further representations on planning application by EPL Newco3 Limited – 24/03422/FUL

PROPOSED SOLAR ARRAY WITH BATTERY ENERGY STORAGE SYSTEM AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE SOUTH-EAST AND SOUTH-WEST OF NEW ASH GREEN, INCLUDING LAND AT RIDLEY COURT FARM, RECTORY ROAD AND LAND ADJACENT TO EAGLESFIELD EQUESTRIAN CENTRE, WEST YOKE; AND THE HIGHWAY LINKING THESE LAND PARCELS, KENT

New Ash Green Village Association Limited (NAGVAL) submits the following comments on the extensive additional documents now provided by the applicant. Please read these alongside our earlier response of 3 March 2025. We have followed the same section headings as in that document.

As a general matter, we are concerned that whilst the applicant has had several months to prepare these responses to the many representations, only three weeks have been allowed for objectors to analyse and respond to these very detailed documents. We therefore reserve the right to submit more comments if further study reveals additional issues.

We believe that the applicant's submission of this large quantity of additional information is indicative of an attempt to justify development which is fundamentally inappropriate on the proposed site and is possibly intending to overwhelm the objectors who will be unable to respond adequately in the limited time before the Council is required to make a decision.

NAGVAL maintains its objections to the proposed development and, despite the additional information from the applicant, most of the reasons detailed in our earlier representations are still valid. Furthermore, in the light of additional evidence that has been submitted subsequently, which has not been adequately countered by the applicant, we believe that objections relating to road access, fire safety and potential pollution of the underlying aquifer can also be supported.

National Planning Policy

The applicant continues to rely on the conclusions reached in the Addendum Planning Statement of January 2025 to contend that the site of the proposed solar farm is 'grey belt' within the meaning of the December 2024 National Planning Policy Framework.

We have already argued that the appeal decision on the Chapel Lane, Great Barr proposal cannot be a precedent for the present application because of the differences in scale, topography, proximity to housing and the availability of public access.

We reiterate that the present application site is important in meeting the key Green Belt purpose of preserving the setting and special character of historic towns – in this case, New Ash Green. We believe that in discounting this purpose, the applicant is confusing the words 'historic' and 'historical'. This misconception is repeated in the additional response by AOC Archaeological Group included in the applicant's latest

submission. Whereas **historic** describes something momentous or important in history, **historical** simply describes something that belongs to an earlier period of history. New Ash Green is some 60 years old so to some people it may not be described as historical, but as a unique example of twentieth century garden village planning, it certainly qualifies as historic. Its setting, conceived by Eric Lyons and Span as a village in the countryside, is important in demonstrating the community concept that was their ambition. In 1964 the Labour Minister of Housing and Local Government, Richard Crossman, granted planning permission for the building of New Ash Green. He said, 'This may well be a model of how to get civilised modern community living in an area of beautiful landscape'. His words were prophetic. That beautiful landscape remains to this day, and New Ash Green has matured into an integral part of the rural scene. Preservation of the beautiful rural environs of this *historic* example of town planning is essential to illustrate the principles that underlay the planning and construction of the village.

Regarding the other purposes of the Green Belt, the application site serves to safeguard the countryside from encroachment and to check the unrestricted sprawl of developed land beyond the well-defined boundaries of New Ash Green by retaining the clear separation between New Ash Green and Ridley. The gap between these two very different settlements is equally as important as the separation between New Ash Green and Hartley. The applicant also contends that because Sevenoaks District includes a large proportion of Green Belt land, the loss of a relatively small part is acceptable. This is an indefensible position because it does not take any account of the importance of the application site and the part it plays in meeting the purposes for which the Green Belt was designated and continues to meet. We do not support the loss of any Green Belt because all the designated area is important to someone, but if any has to be sacrificed for the sake of essential development which cannot be accommodated elsewhere, it must be brownfield or previously developed land, or limited infill within existing settlements.

Purposes a), b), c) and d) of paragraph 143 of the NPPF are therefore unequivocally met. It has also been argued that the development of solar generation should be directed principally to derelict and other urban land, notably by utilising roofs, car parks and other non-productive land, which would also mean that purpose e) would also be encouraged by not permitting this application and directing resources to more appropriate locations.

For these reasons, the NPPF definition of 'grey belt' cannot be applied to the application site. If the applicant's arguments are accepted, the entire Green Belt in Sevenoaks District, and other local authorities, would be at risk of development if no other designations apply. This would undermine the entire purpose of the Green Belt.

The proposed development is therefore inappropriate in the Green Belt.

THE SITE AND ITS CONTEXT

The additional documents submitted by the applicant do not address the concerns set out in our previous representations regarding the effective loss of the attractive recreational footpaths which traverse the site of the solar farm. Whilst the actual public rights of way would be protected, they would no longer cross the open landscape with wide views and agricultural use. They would be transformed into narrow paths through

an industrial landscape constrained by hedges and high fences with security lighting. Walkers would no longer be able to enjoy the opportunity to escape easily from the densely built residential parts of New Ash Green into the immediately adjacent open countryside.

THE PROPOSED DEVELOPMENT

Our earlier comments and objections on the proposed development regarding its visual impact and the use of multiple access points have not been addressed by the applicant's additional submission. Conversely, we note from the Outline Battery Safety Management Plan that *two* access tracks would now be provided to access the BESS area to account for opposite wind directions – it is not apparent from the detailed planning layout where these accesses would be, as all possible locations seem to be to the north of the BESS. However, any new access point would inevitably require the use of a longer length of the single-track Hartley Bottom Road or Idleigh Court Road.

Similarly, there is no reference to the dangers posed by construction traffic travelling through the residential parts of New Ash Green. These comments still apply, along with the conditions that we believe would be essential to deal with the construction and operational aspects of the development.

The indicative cable route appears to show that the cable between the site entrance and Eaglesfield Equestrian Centre would be laid under the roads, so we do not understand the necessity of including wide strips of NAGVAL-owned land on the verges of Redhill Road and Chapel Wood Road within the red line site. This is unnecessary and offers the applicant an opportunity to vary the development at a later stage with consequent impacts on the adjoining residential properties. **If planning permission is granted, it should include conditions to require a full appraisal of any deviation from the indicative route.**

THE NEED FOR THE DEVELOPMENT

Local Need

The proposed development is not intended to meet any local need.

The applicant's Alternative Site Assessment found that there is no alternative site within 2km of the Point of Connection. We do not dispute that finding but it does not prove local need nor justify developing a site that is inappropriate by many other criteria.

National Energy Policy and Strategy

We refer below, in the comments on Green Belt policy, to the national policy on developing renewable power generation. We accept that applicants do not have to demonstrate the overall need for renewable or low carbon energy. That applies in the national context. This does not, however, provide any justification for overriding all other local planning constraints and every proposal must still be assessed on its individual merits in accordance with a balancing exercise for all the positive and negative aspects. We deal with this in our conclusions, below.

ENVIRONMENTAL EFFECTS

Landscape and Visual Effects

Our previous comments on the visual impact of the development are still valid and we do not consider that the Landscape Technical Note is a convincing response to the criticisms of the Council's Urban Design Officer.

One of our concerns is the visual impact of the BESS site, high on the side of field 3, where the containers and control room would be up to 6 metres high. They would therefore have the appearance of a group of two-storey buildings rising above the fields of industrial style solar panels. They would be in direct line of sight from the higher land on the opposite side of the valley and could not be screened adequately by landscaping.

The construction of these industrial buildings, and other aspects of the development including the evidence that has emerged about the fire risk and potential adverse effects on ecology and water supplies mean, in our opinion, that the Council's decision not to require a formal Environmental Impact Assessment must be revisited so that the development, as now proposed, can be fully evaluated.

Trees

Although the applicant is aware of the need to protect ancient woodland trees from damage caused by the excavation of the cable route and work is proposed to be monitored by an arboricultural consultant, we believe that there is still a significant possibility of long-term damage to NAGVAL's ancient woodland. There are still many unknown elements which would need to be taken into account, so if the proposed development is to go ahead, there would have to be further work to assess the risks to protected trees and provide adequate mitigation. We therefore draw attention to our previous comments and suggestion for conditions on this aspect.

We note that the key contacts in the Arboricultural Method Statement do not refer to NAGVAL and we would expect our Greenlands Manager or arboricultural consultant to be included for consultation when works which could have an adverse impact on our trees are in progress. **This should be conditioned if planning permission is granted.**

Traffic and Transportation

We note that there is now no intention of encroaching on land, including ancient woodland, owned by NAGVAL adjacent to North Ash Road for the construction of passing bays. However, the proposed alternative of 300 metres of one-way traffic on North Ash Road is unacceptable and only serves to emphasise that the application site, with access from single-track country lanes, is totally unsuitable for the proposed use. There is no traffic survey on North Ash Road to prove the viability of a signalised one-way system although the automatic traffic count on the northern section of Hartley Bottom Road showed a daily average of around 1,000 vehicles and 100 HGVs already using this single-track road. This probably underestimates the traffic using North Ash Road because some vehicles would turn south along Hartley Bottom Road. The extended time needed for an HGV to climb the steep incline of North Ash Road from

a standing start and the need to have 3-way lights at one intermediate road junction, at least, would require an interval between each cycle of green lights of up to 5 minutes which would cause serious delays and congestion on this frequently used route between New Ash Green and places to the east. Queuing traffic would therefore block the single-track lanes causing further disruption.

We submit that the suggested measure and condition to manage the arrival and departure of the development-related construction HGV traffic along the constrained section of Hartley Bottom Road/North Ash Road would be unworkable in practice because of the inevitable impact of traffic and construction delays.

Even if it is decided to grant planning permission with the conditions proposed by the applicant, these take no account of the similar traffic issues that would be created during the decommissioning of the site, nor any operational need during the lifetime of the solar farm for the repair and replacement of defective or damaged equipment. **Conditions must therefore make provision for the management of HGV movements throughout the 40-year life and decommissioning of the solar farm.**

As noted above, there is now some inconsistency in the details about the number of vehicular access points for the main site so this needs to be clarified to establish whether the site would only be entered from the single gate near Cuckolds Corner or whether there would be one or more additional access points for emergency vehicles or other purposes. **If the latter, their purpose and times of use must be controlled by conditions.**

Access for construction, maintenance and decommissioning traffic to the Point of Connection and Substation would require the use of 270 metres of West Yoke Road, which is a lane that is even narrower than North Ash Road and forms the primary access to several leisure, commercial and residential properties as well as a through route between New Ash Green and places to the west. It is already subject to traffic conflicts because of the volume of traffic so **similar traffic management conditions covering the whole life of the development would be necessary if planning permission is granted.** Manor Lane, Michaels Lane and Butchers Lane are completely unsuitable for any HGV traffic.

Coincidentally, within the past week at the time of writing, there have been two serious accidents on the substandard width section of New Barn Road, proposed as the HGV route between the A2 and New Ash Green, which we highlighted in our previous response as a dangerously narrow road. The road was blocked for an extended period. This shows the risk of adding more large vehicles to this already dangerous road and the likelihood of traffic delays disrupting delivery schedules or routes.

Noise

We await the response of the Council's Environmental Protection Officer to the Noise Technical Report 1 but we are not confident that the mitigation measures would prove fully effective in this normally quiet valley location since the applicant is still suggesting that further mitigation measures may have to be applied after completion if there is more than the predicted level of noise.

Ecology and Nature Conservation

The applicant has submitted detailed documents which purport to demonstrate that a net gain in biodiversity would occur if the proposed development was implemented in accordance with a Biodiversity Net Gain Habitat Management and Monitoring Plan and a Construction Environmental Management Plan. **Those plans have not been submitted so, if planning permission is granted, they must be conditioned for prior approval before any works commence.**

NAGVAL does not have the expertise to assess the efficacy of the methodology employed to determine the baseline biodiversity and potential net gain. We trust that the Council will take advice from suitably qualified professionals on this aspect before reaching a decision on the application, rather than relying on the applicant's submission. This should include the feasibility of using the existing track through Viney Wood to eliminate any damage to that ancient woodland and an assessment of the potential damage to woodland along the Cable Route. We also ask that the applicant is asked to ensure that there is a plan in existence, with the necessary funding, to maintain the biodiversity of the site throughout the life of the development with suitable planning conditions to support this.

Nonetheless we submit that whilst a biodiversity net gain must be proven before a development proposal qualifies for approval, the converse is not necessarily true because a development proposal should not be approved solely because it could create a biodiversity net gain regardless of other arguments against the proposal. Therefore, the existence of any biodiversity net gain, especially if it is only marginal, must only be given limited weight in the planning balance.

Glint and Glare

We repeat our request for the Council to carry out an independent assessment of the applicant's submissions.

Surface Water and Flood Risk

There is obviously a fundamental disagreement between the applicant's consultant, Waterco, and the independent advice provided by GWP Consultants. The latter supports the fact, confirmed by local knowledge and the Environment Agency's Flood Risk map, that surface water flooding already occurs in Hartley Bottom after heavy rain. The sloping valley sides inevitably concentrate runoff into the valley bottom, regardless of the permeability of the existing pasture and grassland. Any disruption to the natural drainage would exacerbate this effect, leading to more extensive and longer lasting flooding with consequent damage to infrastructure. The applicant has not provided any convincing evidence to counter this likelihood.

We note that the Environment Agency's letter of 15 April 2025 says that they have no objection to the development on the basis of the evidence they had seen at that time. They do not appear to have been given an opportunity to respond to the GWP Consultants' report nor the latest submission by Waterco, so we suggest that, as they specifically asked to be reconsulted in the event of any changes to the application, they must now be asked for an opinion on the divergent advice from these two expert bodies.

Archaeology and Cultural Heritage

The response by AOC Archaeology Group focusses on the intervisibility of the application site and protected historical assets but does not touch on the perceived historical landscape of the Hartley Bottom valley which would inevitably be radically altered for 40 years or more with longer term changes resulting from the additional planting that would be introduced. We do not accept that all the extensive groundworks could be satisfactorily removed when (if) the site is to revert to agricultural use.

We also repeat our request that the Council follows up the various recommendations by the County Senior Archaeological Officer for further analysis, verification and testing of the evidence submitted by the applicant.

Agricultural Land Classification

The response by Reading Agricultural Consultants to the Landscape submission on agricultural land classification does not provide more than a subjective assessment of the evidence and fails to refute the assertion that the majority of the development site would be on the best and most versatile (BMV) agricultural land. Whilst we accept that the use of such land is not explicitly prohibited by planning policy documents and Ministerial statements, it is nevertheless strongly discouraged. The Reading Agricultural Consultants' response also appears to rely on the false assumption that Sevenoaks District must provide sites for solar power generation regardless of the existence of other constraints. We have previously argued that this is a fallacy, and applications must be considered on their individual merits. In the case of the present application, the fact that most of the developable site is BMV land is a matter of substantial weight on the side of the balance against granting permission.

Security and Safety

NAGVAL supports the assessment of the potential impacts of a fire and associated water pollution from the Battery Energy Storage System by GWP Consultants dated 7 March 2025 and in particular their conclusion that whilst the likelihood of a BESS fire occurring is low, the risk is extremely or even catastrophically high.

We note that the applicant considers that adequate precautions would be taken to mitigate any impacts of a fire but whatever measures are put in place, accidents do occur. Mitigation is not the same as prevention, and we submit that the only guaranteed way to prevent pollution is to refuse planning permission. In this location on a steep valley side, the air and water pollution would be unstoppable since mitigation measures, which are not detailed, are unlikely to be fully effective. The proximity of the 24-inch high pressure gas pipe is not taken into consideration other than noting the minimum 12-metre standoff zone. This zone, we assume, is intended to account for normal hazards, but we suggest that an out-of-control high temperature chemical fire would be a very different matter. This site is fundamentally the wrong location for a BESS.

We note the item in BBC News of 16 May 2025:

“Natural Resources Wales (NRW) is also urging people to dispose of lithium-ion batteries safely following several fires believed to have been caused by incorrectly discarded batteries. If damaged or crushed, they can release flammable electrolytes, leading to intense fires at waste sites. Waste fires release harmful gases, and the resulting hazardous smoke can pose serious risks to both humans and the environment, NRW said. Residues from burnt waste can also pollute surface and groundwater, leading to long-term land contamination. Nia Brunning, waste regulation and enforcement team leader at NRW, said such fires not only damage the environment “but also put local communities and emergency services at risk”.

This relates to the disposal of domestic batteries, but the impacts described by Natural Resources Wales could be magnified many times by problems with a commercial installation of the size proposed which is so close to a densely populated residential area and is directly above an important aquifer that is a water source for a large area.

Whatever mitigation measures are proposed, we submit that this is still largely untried and untested technology. There is no experience of the safety of such an installation over the proposed 40-year life. Accidents happen, there have already been several instances, and there are no proven methods of dealing with an out-of-control fire other than letting it burn out whilst doing everything possible to try to contain it. The location of the application site, close to a major population centre and within a Source Protection Zone, significantly increases the risk of a serious impact from any incident.

We note from the Environment Agency’s letter of 15 April 2025 that they are still not convinced that there is a viable scheme to prevent the infiltration of firewater to the ground. No information has been provided to allow the assessment of whether the proposed storage and attenuation basin would be sufficiently large to contain safely all the water necessary to ensure that a fire is kept under control nor whether the water storage tank would hold enough water to deal with a prolonged incident.

The applicant’s Outline Battery Safety Management Plan contains so many unresolved requirements that it is meaningless. It would be irresponsible to approve the application when all this detail is subject to further investigation and agreement with the relevant authorities.

With regard to the accessibility of the main site for emergency vehicles, we recall that the 17th century Idleigh Court was destroyed by fire in the 1978-79 winter because snow-covered roads prevented the fire brigade from reaching the property. The roads have not been improved since that time so the site and its internal tracks could be equally inaccessible in times of bad weather.

In view of the proximity of the BESS to residential areas and drinking water aquifers **we ask that any planning permission includes a condition requiring the applicant and subsequent operators to submit a comprehensive public and professional insurance policy for prior approval and to maintain such a policy during the life of the facility.**

PLANNING POLICY CONTEXT AND APPRAISAL

Green Belt

We have argued above that the application site cannot possibly be considered to be 'grey belt' so the proposal by Evolution Power for a solar farm on prime Green Belt countryside is undoubtedly inappropriate development. It is therefore harmful to the Green Belt and could only be approved in very special circumstances. None of the exceptions in paragraph 154 of the NPPF applies in this case; neither do the criteria of paragraph 155 a. b. and d. With regard to the unmet need for renewable power generation (paragraph 155 c.), while this is undoubtedly something that is important in the national context, the applicant's attempt to narrow this down to argue that this site is the only possible option within the arbitrary boundaries of Sevenoaks District is obtuse and unconvincing. Electricity generation for the National Grid is not something that has to be constrained by local authority boundaries. The development of renewable power projects must still be subject to all other planning constraints; they should be directed on a national or regional basis to locations where they do not contravene important policies and planning designations.

There are therefore no 'very special circumstances' that override the importance of refraining from developing the application site, and consequently the application must fail for that reason.

Community Benefits

The applicant has not offered any additional benefits for the community beyond the very minimal offer in the original application.

CONCLUSIONS

The applicant's Green Belt Balancing Exercise cannot be supported and is unacceptably biased towards trying to justify the application. We offer the following assessment as a more realistic appraisal of the impact of the proposal.

The harm from the proposed development:

- i. The harm to openness of the Green Belt and all the associated Green Belt purposes, is undoubted and must be given very substantial weight.
- ii. The harm by virtue of landscape and visual impact, must also be given substantial weight because of the site's location close to a significant population centre.
- iii. The harm through the loss of trees is of limited weight provided that suitable measures can be taken to protect the ancient and protected woodlands.
- iv. The potential for catastrophic atmospheric and aquifer pollution, whilst unpredictable in its nature, is given substantial weight, despite the low risk, because of the possibility of the widespread and long-lasting implications of an occurrence and the lack of clear measures to mitigate the impacts of a fire.
- v. The loss of the best and most versatile (BMV) agricultural land for the lifespan of the development, and possibly longer, carries substantial weight.

- vi. The impact of the loss of attractive recreational walking routes is proven by over 700 objections from members of the public and is given moderate weight.
- vii. The loss of amenity for residents and walkers due to noise and glint and glare is given moderate weight.
- viii. Highways impacts caused by construction, operations and decommissioning are given limited weight because of their relatively short duration compared to the whole life of the project.

Looking at the considerations in favour of the proposal cited by the applicant:

- i. The contribution towards meeting the national need for renewable power is evident but it is not a significant justification for overruling other objections on this particular site so is only given very limited weight.
- ii. There is no imperative for Sevenoaks District to meet an arbitrary target for renewable power so this is only given very limited weight.
- iii. Any site in Sevenoaks District for a large rural solar energy generation scheme would almost certainly be within the Green Belt, but locations outside the Green Belt in other districts could equally be used to meet the national need so this is only given limited weight.
- iv. Any positive impact on biodiversity is arguable because of the unknown benefits arising from the change of use of the land and would only be incidental to the development, so only limited weight is given to this.
- v. Benefits for employment over the 40-year life of the project are minimal so this is only given limited weight.
- vi. The proposals for a community fund are the only community benefit offered by the applicant and are trivial compared to the impact of the development and the potential benefits to the applicant, so they are only afforded limited weight.
- vii. There is no experience of the long-term effects on agricultural land quality of solar farms and after 40 years new planting would have irrevocably changed the appearance of the ancient landscape, so this can only be given limited weight.

Consequently, we submit that the planning balance is tilted very heavily against the presumption of granting planning permission so the application should be refused for the reasons set out in our earlier response as well as any reasons considered necessary to cover community mitigation measures, ecological assessment, road access and fire safety.

The many negative aspects of this proposal are compounded by the lack of detail and transparency which suggests that the application is premature at this stage even if it proves possible to address all the objections.

Finally, the 40-year 'temporary' nature of the development means that there is a significant risk that, if the applicant ceases to be in business or if their lease is transferred to another organisation, the long-term future of the site, and the willingness of any new operator to comply with planning conditions, would be in doubt. **We therefore request that a Section 106 agreement should be concluded and registered prior to any grant of planning permission to ensure that all operators or freeholders of the site remain bound by the conditions of the planning**

permission and the mitigation measures, including community benefits, proposed by the applicant continue in force.