

# FORMAL OBJECTION TO SSE RENEWABLES ON PROPOSALS FOR SOUTH BROOKS SOLAR FARM FOLLOWING THE FIRST NON-STATUTORY PUBLIC CONSULTATION

HANDS OFF OUR MARSH CIC

30 October 2025



**TO: South Brooks Solar Farm Consultation Team**

We are writing to **formally object** to EDF's proposal for South Brooks Solar Farm including 500MW solar array and BESS.

**Hands Off Our Marsh** is a Community Interest Company that represents the interests of communities across Romney Marsh who are affected directly or indirectly by proposed ground-mounted solar energy and battery storage infrastructure such as South Brooks Solar Farm, Shepway Energy Park, South Kent Energy Park and St Mary in the Marsh Solar Farm, and several more NSIP proposals not yet in consultation.

As at 30<sup>th</sup> October, **875 people have signed our online petition opposing the South Brooks Energy Park proposal and over 504 have signed our written petition.** We also conducted exit interviews after each of the consultation meetings and found that out of 261 attendees who spoke to us **87% of residents were against** the South Brooks Solar Farm proposal as presented, 2% were for, and 11% were undecided as there just wasn't enough information provided. This clearly indicates **widespread local opposition** to the inappropriate mass industrialisation of our unique landscape and green spaces.

Hands Off Our Marsh support solar energy generation and battery storage plants on brownfield, industrial, contaminated or previously developed land, not on higher-quality agricultural land. We also support the development of new nuclear technology at Dungeness to meet the government's Net Zero goals and to significantly boost employment in the area after the decommissioning of the existing nuclear facility.

It is worth noting that Folkestone Hythe District Council recently voted unanimously to oppose mass scale ground mounted solar in Romney Marsh as the scale of the schemes like South Brooks Solar Farm are totally disproportionate to the area and will result in significant harm in every way.

## **Grounds for objection**

To reach the Dungeness Substation, infrastructure must cross the internationally important shingle habitat of Dungeness. EDF has no confirmed grid connection agreement at this stage, and NESO's recent announcement on decisions on which projects would get connection dates appears to be delayed until Sept 2026. This raises critical issues:

- Without a confirmed grid connection, the project remains speculative and cannot demonstrate deliverability.

- The choice of route and means of connection may dramatically affect the extent of environmental damage and socio-economic disruption — yet community consultation was held before these key parameters were known.
- Consultation on a fundamental element (the grid link) is therefore premature and undermines the legitimacy of the exercise.

We also question why there isn't a more joined up, strategic approach for identifying suitable areas for solar schemes that involves KCC and local district councils working with landowners to identify which areas would be most suitable and least harmful to residents, the environment, the local economy, and nature. There are 5-6 companies all competing for whatever land they can get lease options for resulting in large and small disconnected pockets of land surrounding residential settlements in many areas.

### **Conflict with Folkestone & Hythe District Heritage Strategy (2019)**

The project fundamentally conflicts with the Folkestone & Hythe District Heritage Strategy (2018), particularly Theme 1a (Landscape), which designates Romney Marsh as a "heritage asset of Outstanding Significance". The proposed South Brooks Solar Farm contradicts the strategy's core objectives for Heritage Management (sustaining and enhancing assets) and Place Shaping (using heritage to inform development). The industrial scale and character of the SSE development are incompatible with the "openness and wildness," "natural beauty," and distinctive heritage features (including medieval churches, wartime defences, and agricultural patterns) that define Romney Marsh.

Romney Marsh is an irreplaceable historic landscape. The proposed South Brooks Solar Farm would inflict irreversible and fundamental harm to its unique character, visual amenity, and the setting of its numerous heritage assets, both designated and undesignated. The loss of such a distinctive ancient landscape cannot be mitigated or compensated for.

### **Cumulative impact of this industrial scheme on Romney Marsh's character, identity and way of life**

Cumulative impact is a policy and legal requirement for NSIP schemes as set out in NPSs, EIA Regulations and other Planning Inspectorate Guidance. NSIP applicants are expected to assess the cumulative impact of their proposals alongside other existing and reasonably foreseeable schemes.

We already have Nuclear Energy infrastructure on Romney Marsh, which we understand from our MP Tony Vaughan is likely to become the site for new nuclear technology in future. Romney Marsh also hosts an onshore wind farm at Little Cheyne Wind Farm. Low Carbon has proposed a 500MW/1500 acre solar and energy scheme at Old Romney. SSE has proposed a 400MW/1000 acre solar and energy scheme at Newchurch, while Enviromena have applied for planning permission from FHDC for a small 16MW solar scheme that borders Site 6 of the SSE Renewables' proposal.

Currently, 10% of the total Romney Marsh land is under threat of being industrialised by large ground-mounted solar schemes.

There are a further 2-3 NSIP schemes outlined in the TEC register for Romney Marsh. We strongly believe there is potential for this current 'solar rush' by energy speculators and developers to have an extremely detrimental effect on every aspect of Romney Marsh's life, character, people, heritage,

environment and its nature. ***We request that Cumulative Impact must be comprehensively addressed in EDF's EIA.***

Romney Marsh's cultural and socio-economic heritage stretches back to at least the 12th century when the land first started to be drained for agricultural purposes. The nature of the Romney Marsh means that its cultural heritage is closely tied to the landscape, agricultural land use, economy, water management, settlement patterns and structures, as well as visual amenity.

As a result, the detrimental impact on one of these aspects from a scheme of this scale will have a cumulatively detrimental impact on all the others, and thus they cannot be considered in isolation. ***We insist that the EIA takes this into account.***

As documented by Natural England, the National Character Area of Romney Marsh is a "unique and sometimes forbidding area" with a "character all of its own". Its distinct local character and historical sense of place make it very different to any other in the UK and its residents are fiercely proud to call it the Fifth Continent.

Romney Marsh is renowned for its open landscape, historic settlement patterns, and sense of remoteness. We are concerned that the scale of this energy scheme would introduce extensive industrial infrastructure, permanently altering the remote, rural and historic identity of our area.

Cumulative industrialisation of the landscape, as is being proposed, would have a detrimental impact on both residents and visitors who all value the area's cultural heritage. We believe the industrial infrastructure on the scale EDF propose would disrupt our unique and traditional landscape, block or degrade important sightlines across the landscape, thus diminishing the visual and cultural connection residents and visitors have to Romney Marsh heritage.

It would affect how our cultural heritage is experienced and understood by current and coming generations, creating lasting damage beyond the lifetime of the scheme. We are particularly concerned that the cumulative impact of this and other projects around the Lydd may drive residents, businesses and visitors away, leaving lasting damage to the community.

We therefore believe that a scheme of this scale and nature is wholly inappropriate for our area and ***request that the EIA assesses the cumulative, interconnected long-term impacts the scheme would have on all aspects of life in the area.***

### **Soils and Agricultural Land**

Romney Marsh consists of primarily Grade 1 and grade 2 agricultural land.

Various government policies and publications including the recent DESNZ's Solar Roadmap emphasise the need to protect the best and most versatile (BMV) land:

*"This Roadmap sets out how, alongside ground mount projects, we plan to drive forward deployment of solar across multifunctional uses of space such as rooftops, car parks and water bodies whilst maintaining planning protections for our best agricultural land. The planning system considers the impacts of development on food production and planning policy and guidance for England is clear that wherever possible, developers should utilise brownfield, industrial, contaminated, or previously developed land. Where the development of agricultural land is shown to be necessary, lower-quality land should be preferred to higher-quality land. If a solar project proposes to use any best and most versatile agricultural land, developers are required to justify using such land and design their projects to avoid, mitigate and where necessary, compensate for any impacts."*

In a letter to the Leader of the Folkestone & Hythe District Council dated 30 May, 2025 from the Minister for Energy Michael Shanks, he writes that “It is of course important that the Government strikes the balance between the need for increased clean energy and impacts on local communities” and that “We encourage the effective use of land by focusing large scale solar projects on previously developed and non-greenfield land...”.

***We request to see what alternative sites of lower quality land were considered by EDF before deciding on the proposed land.***

We are aware that Kent County Council aim to make former landfill sites available for solar and BESS development which would seem a far better use of land. As there seems to be an alternative option available, we suggest that EDF seek to move their poised site to a more suitable location in line with the County Council’s needs and strategies.

We also question the placing of BESS on high-grade BMV farmland. The number of concrete foundations required to site the BESS in a Zone 3 (high risk) flood zone would indicate that returning the land back to arable farming in 60 years would be highly unfeasible and costly.

In addition, FHDC local policies and planning explicitly set out to protect BMV land in the area, recognising that Romney Marsh’s agricultural land is some of the most fertile in Kent. Policy CC6 in FHDC’s Places and Policies Local Plan specifically states:

*‘The development of new solar farms, or the extension of existing solar farms, will only be acceptable where:*

*10. The solar farm will not result in the loss of the best and most versatile agricultural land.*

Furthermore, FHDC Policy HW3 regarding Development That Supports Healthy, Fulfilling and Active Lifestyles states:

*To increase, create and safeguard opportunities for healthy, fulfilling and active lifestyles and to reduce the environmental impact of importing food, development proposals should:*

*3. Not result in the loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) unless there is a compelling and overriding planning reason to do so and mitigation is provided through the provision of productive landscapes on-site or in the locality.*

FHDC Places and Policies Local Plan adopted September 2020 CC6.1 – Solar Farms - states that developments will only be acceptable if they do not cause an adverse impact on sensitive local landscapes or heritage assets. And Policy CC6.10 states that “The solar farm will not result in the loss of the best and most versatile agricultural land”. Clearly the proposed South Brooks Solar Farm fails to meet these two criteria.

The CPRE report, titled "Getting solar off the ground" (July 2025), argues for a "countryside-friendly approach to clean power" by advocating for a significant increase in rooftop solar installations and stricter limitations on ground-mounted solar developments, particularly on productive farmland. They state that nearly two-thirds (59%) of the land used by England's largest operational solar developments is productive farmland, with 31% being "best and most versatile" (BMV Grades 1-3a). This is despite planning policy encouraging the protection of productive farmland.

The report argues that deploying large-scale solar on productive land causes "considerable, and needless harm", particularly given the "untapped potential for rooftop solar" and also that such

developments contribute to the "industrialisation effect" and erode rural character, especially when schemes are clustered. Poorly sited mega solar projects also risk public support for net zero goals, as communities often feel ignored.

CPRE recommends banning ground-mounted solar on Grade 1 and 2 agricultural lands due to its scarcity, and calls for at least 60% of solar energy to come from rooftops, car parks, and brownfield sites. This aligns with the report's stance that a "clear alternative exists" to covering productive farmland. We would support these recommendations.

***We request that any soil testing carried out as part of the EIA should be undertaken by a wholly independent government-approved organisation and include a history of crop types and yields for each site.***

We understand from other community groups and academics such as Professor Michael Alder of the University of Essex that there are examples of consultancy companies carrying out soil testing for such purposes as solar scheme EIAs using outdated and inadequate metrics to in effect 'downgrade' BMV land to achieve a result that suit the developers' needs and is not reflective of the reality of the crop yields achieved, as we have recently found with the St Mary in the Marsh solar farm proposal.

We would like to point out that these metrics may well not be very accurate or consistent on our Marsh Lands due to the high water table and may create very different results depending on the time of year they are carried out.

We also note that Natural England recommends auger boring to a depth of 1.2m. *How will this boring process ensure that the activities do not damage existing water drainage pipes that sit around a metre beneath the soil surface and cross each of the land parcels?*

### **Lack of Evidence Regarding Impacts on Designated Environmental Sites and Agricultural Land Quality**

The proposed South Brooks Solar Farm lies within close proximity to internationally and nationally designated sites, including SSSI and Ramsar areas on the Romney Marsh. These sites are of critical ecological importance and are protected under both national and international legislation.

It is not clear what a large-scale solar development of this nature will have directly, indirectly, or cumulative impacts on these sensitive habitats, including potential effects on hydrology, water quality, soil conditions, bird migration patterns, and biodiversity connectivity across the Marsh.

Before any such proposal can be considered, robust baseline data and long-term environmental impact assessments are required — including evidence from comparable operational sites such as Cleve Hill— to confirm that the proposed mitigation measures are both realistic and enforceable over the project's lifetime.

Furthermore, the application fails to demonstrate how the agricultural land — much of which is classified as Best and Most Versatile (Grades 1 and 2) — can feasibly be restored to its current condition after up to 60 years of industrial use.

Claims that the land will be "returned to agricultural use" after decommissioning must be supported by:

- Verified evidence from similar long-term solar sites showing successful soil recovery and reinstatement of drainage systems on comparable Grade 1/2 land;

- Detailed soil management and reinstatement plans, including how compaction, contamination, and altered water tables will be addressed; and
- Legally enforceable restoration conditions within any planning consent, ensuring independent monitoring and accountability at decommissioning stage.

In the absence of such evidence, it cannot be concluded that the proposal would safeguard designated environmental assets or preserve the long-term agricultural value of the land, contrary to national planning guidance (NPPF Sections 174–180) and local policy (FHDC Policy CC6 and NE3).

### **Climate change, flood risk and water management**

The area optioned for the proposal is in flood risk zone 3. The area in question is below high tide levels and relies on a careful combination of sea defences, dykes and underground water drainage pipes to keep the water out. It has been managed in this way for centuries and the delicate balance between marsh and agricultural land has been successfully maintained. With the combined impacts of climate change relating to sea level rise, wind/storm surges, precipitation change, and temperature change particularly, ***we request that an In Combination Climate Impact Assessment (ICCI) be completed.***

We believe a development like this in conjunction with other similar developments proposed would risk severe cumulative impacts on the Romney Marsh landscape and environment resulting from future climate change effects, flooding and water management, windstorms and rainwater run-off, to name but a few.

The argument that these projects will contribute to mitigating climate change on Romney Marsh cannot be justified given the global nature of climate change, and the lack of action to reduce fossil fuel emissions in the major emitting countries like China, India, Indonesia, USA etc. We also ***request that a comprehensive assessment is carried out of how drainage will be managed*** in and around large schemes like this by EDF, the Internal Drainage Board and the landowners/ farmers, especially given they are part of an intricate and ancient drainage system that stretches way beyond the proposed boundary of the scheme as far as Hythe, Tenterden, Heathfield and Cliff End.

### **Ecology, Nature Conservation and Biodiversity Net Gain**

The recent report ‘Gridlock or Growth’ from the ESNZ Select Committee raised serious concerns about the failure of energy developers to deliver ecological enhancements and landscape mitigations promised during the planning process. Given the huge amounts of mitigation that would be required to protect visual amenity and protect against glint and glare from receptors on the Marsh, especially with heights ranging from 3.5-4.5m and up to 12.5m for the infrastructure, we do not believe that the project can replace the biodiversity it will destroy to construct the scheme, and then increase it again from the baseline up to a 10% minimum BNG for many decades.

We ***request that existing habitats and biodiversity are 100% maintained*** as they currently are and ecological enhancements are integrated and added into existing biodiversity, rather than replacing it. We also ***request all affected residents and relevant organisations and businesses are engaged heavily with the process to design strategies to protect existing biodiversity*** and find appropriate ways to add to it.

### **Landscape and Visual Amenity**

The proposed South Brooks Solar Farm poses significant adverse impacts on the landscape and visual amenity of the Romney Marsh and its surrounding areas. The Romney Marsh is characterised as a "unique landscape with a strong sense of place," defined by its "flat, expansive, open landscape and limited vegetation cover". This distinctive character allows for "long views to features such as church towers that form landmarks on the horizon", with its landscape patterns reflecting centuries of historic land reclamation.

Hedgerows along field or ditch boundaries are not considered to be a typical, contemporary feature of Romney Marsh. Their wholesale introduction to provide screening will compromise the key qualities of openness. This suggests that the provision of screening will be a challenge in terms of providing appropriate mitigation of visual effects in such an open landscape.

This demonstrates that the predicted significant residual landscape or visual effects are not merely a minor consequence but an unavoidable outcome of siting a large-scale solar farm in this specific type of open landscape. The project cannot be effectively integrated into its landscape context as required by local policy.

### **Noise and Vibration**

The proposed South Brooks Solar Farm is predicted to generate significant adverse noise and vibration effects on sensitive receptors throughout its construction, operational and decommissioning phases.

The rural setting which much of the proposed South Brooks Solar Farm would sit within has very low existing background noise levels, meaning any additional noise from the development will be highly noticeable and disruptive, especially at night.

Concerns exist regarding specific noise characteristics, such as tonal, impulsive, or intermittent sounds, which can be particularly intrusive. The flat, open nature of Romney Marsh means that even low level noise travels extremely far.

- Voices of cyclists talking while travelling on the flat roads in some areas can be heard 0.5km away.
- The sound of the RHDC steam trains can also be heard, 4-5 miles from the source.

The construction noise and vibration from, for example, traffic, piling, or impact driving for years on end will create serious disturbance for many people from miles around on Romney Marsh, not just the communities directly affected. Furthermore, the cumulative hum of hundreds of inverters plus the substation once in operation will be easily heard by sensitive receptors and in surrounding villages.

The introduction of substantial noise and vibration from both temporary construction and long-term operational plant into a demonstrably rural and likely tranquil environment presents a direct conflict with the NPPF's objective to protect such areas. Even with mitigation, the sheer scale and duration of noise generation from an industrial energy park will fundamentally alter the acoustic character of the surrounding area, impacting the quality of life for nearby residents and recreational users, and potentially undermining the area's inherent tranquillity.

During the construction and decommissioning phases, temporary noise and vibration effects are anticipated from site preparation, plant installation, substation construction, cable laying, and vehicle movements within the South Brooks Solar Farm boundary and along access routes. Construction traffic on public roads also has the potential to cause temporary disturbance.

During the operational phase, potential noise effects are anticipated from inverters, transformers, and the motors for the tracking PV module mounting structure, battery storage plant (e.g. cooling units, inverters, transformers), the on-site substations (e.g. transformers), and any associated vehicle movements. It is noted that solar PV modules, mounting structures, and cabling themselves will not produce operational noise emissions. However, ***we request that operational vibration should be scoped in the EIA given the nature of the Romney Marsh land.***

The long-term, continuous nature of noise emissions from fixed operational plant, even if individually below peak construction levels, poses a significant and persistent amenity impact on sensitive receptors. Unlike temporary construction noise, this is a permanent change to the baseline acoustic environment for four decades.

The cumulative effect of this continuous industrial hum in a rural setting, particularly during quieter evening and night-time periods where lower SOAELs apply, could lead to chronic annoyance and a measurable reduction in quality of life for nearby residents, potentially constituting a statutory nuisance under the Environmental Protection Act 1990.

Relevant legislation and policy frameworks governing noise and vibration should be adhered to including:

- Control of Pollution Act (CoPA) 1974 (Ref 11-3): Requires that Best Practicable Means (BPM) are adopted to control construction noise as far as reasonably practicable.
- Environmental Protection Act 1990 (Ref 11-4): Prescribes noise and vibration emitted from premises as a statutory nuisance if prejudicial to health or a nuisance.
- Overarching National Policy Statement (NPS) for Energy (EN-1) (Ref 11-5): Section 5.12 is relevant to the assessment of noise.
- National Planning Policy Framework (NPPF) (Ref 11-7): Paragraph 187 states that planning policies and decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by noise pollution. Paragraph 198 further describes that planning policies and decisions should ensure new development is appropriate for its location, considering likely effects (including cumulative effects) of pollution on health, living conditions, and the natural environment, and the potential sensitivity of the site or wider area. Mitigation should reduce potential adverse impacts to a minimum to avoid significant adverse impacts on health and quality of life, and tranquil areas need to be identified and protected.

## **Glint and Glare**

The proposed South Brooks Solar Farm has the potential for significant glint and glare effects on sensitive receptors, especially on the Lydd Airport. While solar panels are designed to absorb light, their inherent reflectivity in an open and flat landscape like Romney Marsh means that glint and glare are particularly pertinent issues, especially to sensitive receptors.

The characteristic “big skies” and expansive views of the Marsh amplify the potential for visual intrusion, making the assessment and mitigation of these effects crucial for the proposed South Brooks Solar Farm. The flat terrain and lack of significant visual obstructions (like hills or dense woodlands) mean that solar panels (especially at 4.5 m in height) can be seen from much greater distances across the Marsh. This extends the potential range of glint and glare effects to a wider area and more receptors.



The expansive open skies of Romney Marsh are a key characteristic. The introduction of large, reflective surfaces like solar panels will significantly alter this dominant visual element, especially when glint and glare are present, creating a contrasting and potentially jarring visual feature. As pointed out, Romney Marsh is valued for its sense of remoteness and tranquillity. The flashes and continuous brightness from solar panels would undermine this character, introducing an artificial and often distracting element into a largely natural and agricultural landscape.

***We request that specific Glint and Glare Assessments should be carried out for all of the most sensitive receptors***, especially residential dwellers, businesses and road users at potential flash points.

***We also request that the primary legislation and policy governing glint and glare effects is adhered to including:***

- NPS EN-3 Section 2.10 (Ref 16-39): This section sets out government policy regarding the consideration of glint and glare in relation to solar photovoltaic generation impacts. It also advises on appropriate assessment methods and potential mitigation measures.

### **Transport and Access**

The proposed South Brooks Solar Farm presents significant adverse impacts on transport and access, primarily through increased Heavy Goods Vehicle (HGV) movements, Abnormal Indivisible Loads (AILs), and unavoidable disruption to Public Rights of Way (PRoW) and local rural lanes.

Construction activities will necessitate construction-related vehicle movements within the Solar Farm Site boundary and along access routes. The transport of large components, such as PV modules, is anticipated to originate from local ports, utilizing both the Strategic Road Network (SRN) and local roads. An initial access feasibility assessment is planned to identify the most suitable routes for these components.

Of particular concern is the notorious “Hammonds Corner” junction between the A257 and B2075 through which all traffic will need to pass. This proposal will significantly increase the risk of accident at this junction which already has multiple accidents a year.

The inherent mismatch between the scale and nature of construction traffic (HGVs, AILs) required for an NSIP and the existing limited, restricted, and rural road network around Lydd presents a significant and potentially unmitigable adverse impact on transport and access. The physical constraints of the local roads would suggest that there would be significant disruption, delays, and safety concerns for local residents and road users. This indicates a fundamental incompatibility between the project's logistical demands and the existing infrastructure, rendering the local road network unsuitable for the proposed construction traffic.

We expect that prolonged disruption and danger to drivers, cyclists, caravans and other users of the internal road networks of Romney Marsh for up to 3 years would also have an adverse impact on other areas of business such as tourism which is a major part of the Romney Marsh economy. It would seem that for such a scheme to be feasible a large programme of road improvements, widening, repairing etc would need to take place, adding even more disruption and time to the construction phase.

Are these costs something that EDF will factor into their budgets? The cost of improving and repairing roads to KCC's already cash-strapped Highways department, (and hence the taxpayer), because of the construction phase would arguably be prohibitive.

Construction traffic movements on public roads would cause temporary disturbance, and temporary diversions of PRowS during the construction phase would probably need to be implemented. The pervasive presence of PRow and a National Cycle Route directly within the project footprint means that significant and prolonged disruption to public recreational access is unavoidable during the construction phase. This will negatively impact on the amenity of local residents and visitors who rely on these routes for walking and cycling. While diversions will be proposed, they often lead to reduced accessibility, increased journey times, and diminished recreational experience, conflicting with planning policies that seek to protect and enhance public access and amenity. ***We request that relevant legislation and policy frameworks addressing transport and access are adhered to including:***

- NPS EN-1 Section 5.14 (Ref 14-1): Outlines planning policy for Traffic and Transport, including guidance on undertaking relevant parts of the EIA.
- NPS EN-3 Section 2.10 (Ref 14-2): Includes subsections on 'Construction including traffic and transport noise and vibration' and 'mitigations as a result of Construction including traffic and transport noise and vibration'.
- NPPF Paragraphs 109-118 (Ref 14-4): Sets out relevant NPPF requirements relating to Transport and Access.

## **Ground Conditions**

The South Brooks Solar Farm scheme faces significant challenges and risks concerning ground conditions. These include the shrink-swell character of the clay soils, the high-water table (1 metre below ground level), historical land uses that introduce potential contamination, and the documented presence of Unexploded Ordnance (UXO).

The ground in parts of the area in question on Romney Marsh is subject to a great deal of movement, not just from shrink and swell of the clay soils. Many old are subject to sinking or subsidence while newly constructed buildings have to be built on concrete rafts to sustain movement of the ground. These factors should be thoroughly examined in the EIA as we believe that the ground on Romney Marsh is extremely inappropriate for such energy projects of this scale.

**We request that the assessment of ground conditions and potential contamination adheres to the following key legislative drivers:**

- Environmental Protection Act 1990 (Part 2A) (Ref 16-42): Provides the legislative framework for defining and assessing "contaminated land".
- Water Resources Act 1991 (Ref 16-43) and the Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009 (Ref 16-44): Provide statutory protection to controlled waters and make unwarranted discharge an offense.
- Water Act 2003 (Ref 16-45): Added the pollution of controlled waters as a determinant of contaminated land and mandated the remediation of contamination.
- Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (Ref 16-47): Aims to protect water bodies and prevent groundwater pollution.
- Building Act 1984 (Ref 16-46), the Building Regulations 2010 (Ref 16-48), and The Building Regulations & c (Amendment) Regulations 2015 (Ref 16-49): Provide legislative

direction on structural and design aspects of development based on the geotechnical properties of the ground.

Other relevant legislation includes the Environmental Permitting (England and Wales) Regulations 2016 (Ref 16-50), Hazardous Waste (England and Wales) (Amendment) Regulations 2016 (Ref 16-51), Contaminated Land (England) (Amendment) Regulations 2012 (Ref 16-52), Environmental Damage (Prevention and Remediation) Regulations 2015 (Ref 16-53), Anti-Pollution Works Regulations 1999 (Ref 16-54), and The Control of Asbestos Regulations 2012 (Ref 16-55).

Considering that an unexploded bomb was found at Dungeness Beach in 2019, ***we request a detailed UXO Risk Assessment and a geo-environmental ground investigation*** be undertaken to assess potential pollutant linkages, support earthworks, and develop the scheme's design.

We also **request that details of the backsheets to be used on the solar panels are fully assessed in the EIA** as we understand that Fluoropolymer type back sheets can leech cancerous chemicals into the ground which become 'forever chemicals that do not break down naturally'.

This could pose a risk not just to the ground on the site including the Denge Marsh aquifer but to the wider ecology and soils of the Marsh. We would like to see a full assessment of the risks to ground soils and ground water in the ZoI and beyond from different types of materials used within the solar panels and battery storage units.

### **Major Accidents and Disasters**

The proposed South Brooks Solar Farm introduces a novel, high-consequence hazard into the rural landscape, specifically the fire risk associated with its large-scale Battery Energy Storage System (BESS) component. This brings a potential for fire, and while the BESS is designed to incorporate automatic control, cooling, shutdown, and suppression systems to regulate temperatures and minimize fire risk, the very necessity of such elaborate safety measures underscores the inherent severity of this risk.

We expect a Framework Battery Safety Management Plan (BSMP) is to be developed to manage these potential risks. A fire involving a BESS can have significant environmental consequences, including the release of toxic fumes into the atmosphere and the generation of contaminated firewater runoff, which could severely impact water quality across the whole Marsh and especially the Royal Military Canal.

Such an event also poses a direct and immediate threat to human health and safety in the surrounding community due to potential explosions, toxic gas release, or the need for emergency response. Communities in the line of the prevailing south westerly wind on the escarpment will be at as much risk as those living down on the Marsh in and around Lydd. This represents a new and complex risk profile for the area, which is a direct consequence of the project's technology choice and scale.

There have been three major fires in BESS installations in 2025 in the UK already indicating this is not a rare occurrence. As these fires are impossible to extinguish, they give off fumes that are toxic to humans and wildlife, and can spread to adjacent units, detailed consideration of how such events would be managed within Kent Fire and Rescue Services' abilities and resources should be central to the EIA.

We are also concerned about the ongoing effects that would result from a BESS fire. The water used to douse down, and cool adjacent units will contain toxins and will inevitably drain into the

watercourses and main sewers. All these watercourses across the entire Romney Marsh are interconnected and pollution of them would be catastrophic for wildlife and possibly soil and livestock across the entire area. We are particularly concerned about the dangers of contamination to the aquifer water sources that supply water to the residents of Romney Marsh.

The local fire brigade is not equipped to deal with BESS fires. On the Romney Marsh, we have volunteer firefighters who cannot always respond. Other more distant fire brigades (Ashford) would take around 30 minutes to access the site, and the surrounding road network of narrow lanes presents an obstacle to access for firefighting equipment.

As a result of these concerns, we expect the EIA provides detailed considerations of the installation and use of the BESS units and should address these concerns. We want to particularly draw attention to the amount of water that would be needed for cooling of adjacent units in case of a fire. *With water resources already under pressure on the Marsh due to increased housing and unpredictable weather, where would the water be sourced from?*

**We request that the requirement to consider major accidents and disasters embedded in the EIA Regulations (Ref 16-85) is fully adhered to:**

- EIA Regulations (Ref 16-85): Schedule 4, Part 5d mandates that the EIA include "a description of the likely significant effects of the development on the environment resulting from the risks to human health, cultural heritage or the environment (for example due to accidents or disasters)". Furthermore, Schedule 4, Part 8 requires "a description of the expected significant adverse effects... deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned".

### **Construction damage**

We are concerned that construction will destroy the intricate, ancient system of drainage across the site, especially clay pipes. The drainage pipes lie at a relatively shallow level under the fields and drain excess ground water from the Marsh soils into the water courses across the Marsh and out into the sea.

These pipes are integral to the lack of flooding across the Romney Marsh. If these get damaged, it is very likely that the area will flood. Any contamination from the construction phase or operational phase (such as leeching of contaminants from the panels and their frames or the battery storage) could also have a devastating impact on the aquatic life in the water courses.

***We request that the wider RMC be included in the scope of the ZoI and a contamination impact assessment is carried out.***

Likewise we are concerned about the soil damage from compaction and the ability of waterlogged soil to return to the condition it is at presently. Furthermore, the rural location of many properties means that private and public water supplies, sewage and waste pipes, telegraph cables, underground electricity cables etc in the area could be severely impacted by the project.

The EIA should identify exactly where such pipes and cables run and demonstrate how they plan to redirect them to a safe and accessible location if they lie within or around the vicinity of the proposed energy scheme.

### **In conclusion**

We conclude that the **South Brooks Solar Farm proposal is incompatible** with established plans to protect **Romney Marsh**, which is a "heritage asset of Outstanding Significance" known for its "openness and wildness" and rich history as identified in the Folkestone & Hythe District Heritage Strategy. This proposed Scheme also goes against the **National Planning Policy Framework**, which emphasises protecting "irreplaceable resources" and ensuring development improves, not harm, local character and landscapes.

Building a **500MW/2700-acre solar and battery farm** here would **permanently destroy** Romney Marsh's unique character, harm its historic sites, and undermine its tranquillity. This is not minor harm; it's **substantial damage to an irreplaceable asset**.

While renewable energy is important, this project, in this specific location, **fails the test of sustainable development** because its negative environmental and heritage impacts clearly outweigh its benefits. Protecting Romney Marsh's unique heritage landscape **must come first**, so this proposal should be **halted**. EDF should find alternative, less damaging sites for this scale and type of renewable energy infrastructure.

**Hands Off Our Marsh** officially objects to the **South Brooks Solar Farm development** as it's currently planned, and we expect our concerns to be fully considered. We particularly draw attention to the need for comprehensive Residential and Local Business Amenity Assessments, covering visual amenity but also socio-economic, cultural, safety, and health and wellbeing assessments.

### **General Comments and feedback on the Consultation Process**

Many residents noted that the EDF representatives did not take notes at the events of points that were raised by them and questioned whether the consultation is in fact purely a tickbox exercise.

There was also a general feeling that not enough was done to publicise the events, and that, were it not for Hands Off Our Marsh, many residents would have been unaware of what was happening. Hands Off Our Marsh requests that EDF work closely with us to ensure appropriate communication plans are put in place that ensure all relevant stakeholders are fully aware of future consultation plans, timings and events.

Regards

Amanda Farrant and Kim Gowing on behalf of the HOOM team.

Please contact us at [info@handsoffourmarsh.org](mailto:info@handsoffourmarsh.org)