

REPORT SUMMARY

REFERENCE NO: - 22/501335/FULL		
APPLICATION PROPOSAL: Installation of a renewable energy led generating station comprising of ground-mounted PV solar arrays, associated electricity generation infrastructure and other ancillary equipment comprising of storage containers, access tracks, fencing, gates and CCTV together with the creation of woodland and biodiversity enhancements.		
ADDRESS: Land North Of Little Cheveney Farm Sheephurst Lane Marden Kent		
RECOMMENDATION: Application Refused		
SUMMARY OF REASONS FOR RECOMMENDATION: The application site is 43% arable land of grades 2 and 3a and so the development of this area of Best and Most Versatile farmland for a solar farm is not acceptable in principle. The harm to the intrinsic character and appearance of the open countryside is substantial, both in significance and scale, and would not be adequately mitigated by landscaping proposals which would take a long time to mature and would not integrate the development into its setting. The development will create areas of stored topsoil that are likely to be visually harmful and out of character natural landscape character. There would be some harm to the setting of listed buildings, being "less than substantial". There is risk to the movement of badgers and loss of skylark habitat. The Ancient Woodland buffer would suffer unnecessary pedestrian pressure. The creation of a permissive footpath within 8m of the Lesser Teise would detrimentally impact on ecology and physical habitats. When assessed against the Government's Energy and Planning policies and the MBLP, the overall adverse impacts of this proposal on this site are significant and not demonstrably outweighed by the benefits of the proposal.		
REASON FOR REFERRAL TO COMMITTEE: The application is a departure from the Local Plan. Called in by Collier Street PC		
WARD: Marden And Yalding	PARISH/TOWN COUNCIL: Collier Street	APPLICANT: Statkraft UK Ltd AGENT: Origin Power Services Limited
CASE OFFICER: Marion Geary	VALIDATION DATE: 01/06/22	DECISION DUE DATE: 31/10/22
ADVERTISED AS A DEPARTURE: YES		

Relevant Planning History

21/503277/ENVSCR

Screening Opinion: The proposed development is for a solar energy farm with a site area of approximately 78 hectares which would generate and store up to 60 megawatt (MW) of renewable energy to be exported to the Grid.

EIA Not Required 05.07.2021

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site is 74.5ha (184 acres) of arable farmland and lies south of the railway line and north of Sheephurst Lane. It is in the open countryside, some 850m west from the boundary of Marden and 750m east of Claygate.

- 1.02 The site is approx. 6km south from the elevated Greensand Ridge and 2-4km north of the High Weald AONB.
- 1.03 The Lesser Teise flows along the eastern boundary of the site. There are several ponds within the site or on the boundary. Two principal drainage ditches run south to north. The vast majority of the site lies in Flood Zone 3. The site slopes down from Sheephurst Lane to the NW of the site near Longends Lane.
- 1.04 There are several residential properties adjacent or close to the boundaries. An Area of Archaeological Potential covers the site and there are 9 Listed buildings in the vicinity.
- 1.05 2 PROW cross the site: KM244 in the SE corner and KM248 along the northern boundary. In the vicinity are 3 further PROWs: KM246, KM254, KM257.
- 1.06 There is an area of Ancient Woodland to the west of the site that would be wrapped around on 3 sides by the application site. An area of woodland lies centrally and there are grassland field margins of 2-6m wide and the fields are bounded by hedgerows and hedgerows with trees.

2. PROPOSAL

- 2.01 The application has been revised since originally submitted to omit an on-site battery energy storage compound (due to current poor economics) and some solar arrays have been removed from the area nearest to the northeast of Little Cheveney Farm and relocated elsewhere on the site.
- 2.02 The proposed solar PV farm would generate up to 49.9 MW and is intended to be decommissioned after 37 years. It will connect to a 132kV high Voltage power line through the site.
- 2.03 The PV panels would be supported by racks 4.79m in depth. Each array in rows set 2.9m apart would have a maximum height of 3m. The longest rows would be 260m long.
- 2.04 15 Transformation/Power Stations (comprising modified shipping containers) of 6m by 2.44m and 3.4m high would be distributed around the site.
- 2.05 Several ancillary structures are:
 - A High Voltage (HV) Compound of 940.5sqm and 7m high (UKPN and solar generation infrastructure).
 - Switchgear Station: 80sqm and 3.4m high surrounded by a 2.4m steel mesh fence.
 - Monitoring cabin 28sqm and 5m high
- 2.06 There would be a 2.4m tall perimeter steel mesh fencing (erected outside the 10m set-off from the railway lane).
- 2.07 There would be vehicle access tracks and a temporary construction compound. CCTV would comprise of 30 x 5m high poles with 2 CCTV cameras each. No lighting is proposed long term (only during construction).
- 2.08 The PV array, access tracks and ancillary structures would cover approximately 29% of the total site area.
- 2.09 Part of footpath KM248/2 would be diverted at the NE corner. The application includes 2 new permissive footpaths running along the eastern and western sides, the one on the eastern side runs along the bank of the Lesser Teise.
- 2.10 Vehicular access would be through an existing field access off Sheephurst Lane to be widened to 6m with double gates 2.4m high and 4m wide. Topsoil would need to be stripped from the access tracks and stored in bunds pending restoration. The location, size and form of the bunds has not been detailed.

- 2.11 Surface water drainage would include a swale gradually discharging to an existing field drainage ditch.
- 2.12 The land would be sown with grass seed for seasonal sheep grazing. The land on the site perimeter would mostly be planted with wildflower grassland and mixed native hedging. A native buffer is proposed between the edge of the Ancient Woodland and the edge of the site, intended to function as habitat corridors from the AW to the surrounding countryside.
- 2.13 The applicant states that they will provide additional woodland planting on the land adjacent to the southeast corner of the site, outside of the site boundary.
- 2.14 There would be no permanent staff based at the site once operational, but occasional maintenance/security attendance.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):
Neighbourhood Plan: Marden
Kent Waste and Minerals Plan (amended 2020):
The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG): Planning for Renewable and Low Carbon Energy, issued in 2014 and partially amended 2015.
Supplementary Planning Documents:
Maidstone Borough Council Planning Policy Advice Note: Medium Scale (>50kW)
Solar PV Arrays (2014)

Other relevant documents: The Maidstone Landscape Character Assessment (2012) (amended 2013), Landscape Capacity Study (2015)

The Regulation 22 Local Plan Review submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is a material consideration and some weight must be attached because of the stage it has reached. This weight is limited, as it is currently the subject of an Examination in public

Renewable Energy National policy guidance:

- The National Policy Statement for Energy (EN-1) (2011)
- The National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011)
- The UK Renewable Energy Roadmap (2011) and subsequent updates in 2012 and 2013
- The UK Solar PV Strategy Part 1 (2013) and Part 2 (2014)
- Clean Growth Strategy (2017)
- UK 25 Year Environment Plan (2018)
- Climate Change Act 2008 (2050 Target Amendment) Order 2019

NB: The Government issued revised drafts of EN-1 and EN-3 in September 2021, which are not formal material planning considerations. The draft EN-3 states that large-scale solar **over** 50MW (Nationally Significant Infrastructure Projects) would be a core part of low-cost decarbonisation of the energy sector. Targets for solar energy infrastructure are not specifically included within revised (draft) EN-3 to avoid being overly prescriptive.

4. LOCAL REPRESENTATIONS

Local Residents:

1 support:

- renewable energy
- improves biodiversity

58 objections originally submitted raising the following (summarised) main issues

- site selection dictated by power lines to save money
- excessive size, same size as Marden village
- harms landscape, cumulative impact
- harms outlook and privacy
- harms heritage
- loss of productive farmland
- loss of footpaths and fenced footpaths will be unpleasant
- harm to wildlife and Ancient Woodland
- should be on brownfield land, old landfill sites or roofs of buildings
- offshore wind, tidal, geothermal and nuclear are more efficient
- flooding
- pollution to water
- harm to human health
- noise and vibration
- construction traffic
- reduces property value
- inaccuracies in the Glint and Glare report and potentially in the LVIA

A further 12 objections were submitted to the revised proposals raising the issues above, plus:

- ecological woodland planting and pond restoration is not within red line boundary'
- proposed perimeter planting and fencing directly on the physical boundary with 3 neighbouring properties
- inadequate AW buffer
- local authority boundaries should not limit the search for alternative sites
- incorrect definition of brownfield land
- 37 years is not temporary

Issues such reduction in property value and the business model of the applicant are not material planning considerations.

Marden Walking Group: no objection, provided that the existing and rerouted PROW of adequate width and low fencing. The proposed Permissive Paths will allow more circular walking routes

Weald of Kent Protection Society objection: loss of productive agricultural land; Harms character of area; visible long term during winter months; glint and glare; noise; inadequate sequential test; the Government prefers offshore wind and nuclear rather than solar farms.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Collier Street PC

5.01

- loss of valuable agricultural land from productive food production.
- several roads have a weight limit and are not suitable for construction traffic
- need control over numbers and hours re construction vehicles
- cumulative impact with Bockingfold proposed solar farm.
- harm to wildlife
- Flood Risk Assessment inadequate

Marden PC

5.02 No objections but construction traffic should not be via the village centre.

Environment Agency

5.03 Objection: Significant risk to Lesser Teise by increasing disturbance, risk of plastic waste entering the watercourse and the modification of naturally occurring riparian habitats and species.

5.04 Satisfied that finished slab level is 300mm above the design flood level. Condition protecting kingfishers is needed.

Natural England

5.05 No objection but notes the proposed site is close to the High Weald AONB.

KCC Biodiversity

5.06 No objections: With the exception of skylark, the ecological mitigation is acceptable. Skylark plots within the surrounding area would be needed as mitigation. The BNG proposed is over 20% for habitats and linear features. Any fencing must enable movement of species (including badgers) through the site. Habitats need to be managed to benefit reptiles.

KCC Highways

5.07 Comments on revised information: No objection subject to the proposed construction route being amended as requested by Marden PC and planning conditions on construction traffic management and the access.

KCC Flood and Water Management

5.08 No objections but require condition for an updated Surface Water Drainage Strategy.

Upper Medway IDB

5.09 No objections but the applicant should obtain consent from IDB before gaining planning permission.

Network Rail

5.10 Applicant should contact Asset Protection and Optimisation team re the operational railway.

KCC Minerals and Waste Planning

5.11 Replied with "No comment"

KCC West Kent PROW

5.12 Public Rights of Way KM248 and KM244 both run through the application site. Diverting KM248 under Town and Country Planning Act and adding 2 permissive paths is acceptable but no work can take place until the path has been diverted.

Historic England

5.13 Replied with "No comment"

Southern Water

5.14 No objections

Kent Police

5.15 No objections but suggestions to minimise risk of crime.

High Weald AONB Unit

5.16 Replied with "No comment"

CPRE

5.17 Objection:

- Industrialisation of rural landscape
- Fences/buildings too high
- Whole site not screened from a distance.
- Most easterly section unscreened and will impact on setting of Little Sheephurst Farm.
- Glint and Glare Study excludes Sheephurst Lane.
- PRow amenity value harmed.
- Risk of increased flooding
- Site better suited to growing an energy crop.
- Land is mostly best and most versatile agricultural land.
- PV panels should be sited on buildings such as industrial parks

Environmental Protection

5.18 Objection: several inadequacies in the noise assessment.

5.19 Subsequent Comments: Recommend refusal unless further satisfactory noise data is submitted.

MBC Landscape Officer

5.20 The east part of the site is located in the Teise Valley (as defined in the Maidstone Landscape Character Assessment) and the western portion in the Laddingford Low Weald. There is a designated Ancient and Semi Natural Woodland area situated adjacent to the western boundary and many significant trees and potentially 'important' hedgerows within the site. Overall, visual sensitivity is assessed as moderate while the overall landscape character sensitivity is high/moderate.

5.21 Key features include the flat, low lying topography, the rivers and ditches, the large open field pattern and the undeveloped character. The backdrop of the Greensand Ridge is an important element in many views. New development should respect the local vernacular in scale, density and materials.

5.22 No arboricultural report but consideration has been given to retention of all existing trees and the need for root protection areas of trees (RPAs). Reference to veteran trees although none appear to have been identified. An appropriate buffer area must be achieved around the ancient woodland.

5.23 The submitted Landscape and Visual Impact Assessment appears to be in general accordance with GLVIA3. A solar farm is temporary and reversible but 37 years is a long duration and any landscape screening will take at least 10 years to be effective. The decommissioning statement will form a very important component of the application.

- 5.24 The proposed topsoil stockpile bunds need to be sited to avoid tree RPAs and areas proposed for new planting and if bunds are proposed to be a long term feature on the site they need to be clearly marked on the mitigation, landscape and ecology enhancements plan. They are not characteristic of the local landscape and, if possible, should not form permanent features.
- 5.25 Soft landscaping - need information on new hedgerow lining the edge of the site and proposed gapping up. Species to be consistent with the Maidstone Landscape Guidelines.

MBC Conservation Officer

- 5.26 Objection: Setting is defined in NPPF as: *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'* .
- 5.27 There will be some intervisibility between some of the listed buildings and the proposed site. There are limited views of some of the listed buildings from the site, however, due to the low level of the solar panels they are unlikely to harm the views to and from the heritage assets. Views are only one part of setting, the rural character of the landscape has remained undeveloped and this allows for a better appreciation of the listed buildings.
- 5.28 Little Long End- The construction of a considerable number of solar panels, even with the trees, will reduce the rural setting of the site.
- 5.29 Little Cheveney Farm- the short distance views from the site in particular the roundels and cowl are important and will result in some minor harm to the setting of the listed building.
- 5.30 Little Long End and Little Cheveney Farm would have erosion of and diminished rural setting, at least initially. The harm would be minor and at the at the lower end of less than substantial.

6. APPRAISAL

The key issues are:

- Renewable Energy
- Agricultural Land Classification
- Landscape Character and Visual Impact
- Heritage Assets
- Biodiversity
- Residential Amenity
- Highways
- Flood Risk and Drainage

Renewable Energy

- 6.01 Relevant national energy policies on Renewable Energy commit to increase renewable energy in the UK with a focus on domestic and commercial roof space and on previously developed land: larger-scale field based solar farms to be sensitively located.
- 6.02 A Ministerial Statement dated March 2015 stated that planning policy includes strong protection for the natural and historic environments and consideration of the economic and other benefits of the best and most versatile agricultural land:

meeting UK energy goals should not include the unnecessary use of high-quality agricultural land.

- 6.03 The NPPF supports generation of renewable energy and says LPAs should approve the application if its impacts are (or can be made) acceptable. It encourages sustainable development but LPAs should take local circumstances into account, such as the requirement to reflect the character of each area.
- 6.04 Government Planning Practice Guidance recognises that *"large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively"*. Large scale ground mounted solar PV farms should make effective use of previously developed land and non-agricultural land - poorer quality land should be used in preference to land of a higher quality. There should be consideration of the proposal's visual impact; the effect of glint and glare; heritage assets including the impact on views important to their setting; mitigation of landscape and visual impacts by screening with native hedges.
- 6.05 The Council's Supplementary Planning Policy Advice note on Solar PV arrays up to 50kw is consistent with national policy that ground mounted solar PV should utilise previously developed land, contaminated land, industrial land or brownfield sites.
- 6.06 Policy SP17 of the MBLP states that development in the countryside should not harm its character or appearance and that acceptable development types do not include renewable energy projects.
- 6.07 Policy DM24 of the MBLP provides general support for renewable energy development, subject to acceptable impacts on landscape and visual appearance; heritage assets and settings; residential amenity; the local transport network, and ecology and biodiversity.
- 6.08 Whilst National Policy states that LPA's should recognise the benefits of reducing greenhouse gas emissions, at both Government and Borough levels, the weight that may be applied to such benefits does not automatically override other considerations such as the wider economic value of high quality agricultural land and visual impacts, which must be adequately mitigated.
- 6.09 In terms of the sustainable development benefits, the development does provide job opportunities during its construction phase, though many fewer in the operational phase and the solar PV farm would provide renewable energy for the UK into the future. However, this must be balanced against potential environmental and other impacts discussed further below.

Agricultural Land Classification

- 6.10 Planning policy directs solar farms away from land classed the Best and Most Versatile (BMV) agricultural land, even though they are temporary and reversible. Some 47% the site comprises land falling within Grades 2 and 3a with 53% falling in Grade 3b. Thus, a very large proportion of the site is the 'higher quality' farmland that planning policy protects.
- 6.11 The land under and between panels could be grazed by sheep thereby continuing agricultural use of the land but causing the loss of full productive capacity of BMV land for a considerable period of time.
- 6.12 The applicant is required to demonstrate that the use of agricultural land is necessary and to avoid the loss of higher grade land. The applicant has restricted the search to the Borough of Maidstone and close to a HV power line and concludes that within the chosen study area, there are no potential alternative sites of poorer agricultural land quality that is subject to fewer environmental constraints. They also argue that the site would remain in agricultural use and that biodiversity improvements would be delivered.

- 6.13 This argument is not accepted. It is long-standing Government policy that BMV land should be avoided for this form of development. In terms of other examples, the Solar PV farm at Swale (Cleve Park), the solar Farm at Widehurst Farm, Paddock Wood Solar Farm in TWBC district and the current planning application at Bockingfold Farm range from 80%-100% Grade 3b land. Thus, the application site at Sheephurst Lane performs very poorly in comparison with these examples.
- 6.14 It is not the case that a Solar PV farm must lie near a HV Power line. They can connect via a substation or by dedicated transmission line, although that does entail extra costs.
- 6.15 Whilst MBC does not specifically allocate land or identify suitable areas for such development, it provides criteria-based guidance in both policy and SPG. Government policy does not say that every district must provide solar PV farms and policy does very explicitly require avoidance of the BMV agricultural land, even if still farmed to a lower type of production. The applicant has not justified breaching this clear policy requirement because of its own business decision to restrict its search to the Borough of Maidstone (which typically has good quality agricultural land) and close to a HV power line.

Landscape Character and Visual Impact

- 6.16 The NPPF states that the planning system should contribute to and enhance the natural and local environment and that the intrinsic character and beauty of the countryside should be recognised. Both national and local policy relating to solar PV arrays identify that these impacts will be material considerations of significant weight.
- 6.17 The site lies in the MBC Landscape Character Areas of *Teise and Upper Medway Valleys* and the Borough Wide Character area of *Laddingford Low Weald and Teise Valley*. *Laddingford Low Weald* is described as having a moderate condition and sensitivity and *Teise Valley* is described as having a good condition and high sensitivity. It is accepted that a key characteristic of both character areas is large open arable fields and pasture.
- 6.18 The Maidstone Landscape Capacity Study: Sensitivity Assessment (2015) suggests that new development should conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads and consider views towards any proposals across the Low Weald from the elevated Greensand Ridge, and the High Weald which rises to the southwest. It says that extensive, large scale or visually intrusive development would be inappropriate Laddingford Low Weald and that in the Teise Valley, pressure for development to spread onto the visually sensitive valley floor, notably at Marden, should be resisted to maintain the open character of the floodplain.
- 6.19 The site slopes 1.75m overall with the highest land being near Sheephurst on the southern part of the site and is otherwise relatively flat with slight undulations and is generally open surrounded by trees which form a significant feature in the local landscape.
- 6.20 The applicant has submitted a Landscape and Visual Impact Assessment which concludes that whilst the main access would allow glimpsed views into the site, the raised railway line screens views from the north and due to intervening vegetation, there are limited views from the east. It concludes that views of the solar farm will be possible from upstairs windows of some neighbouring dwellings and there may be occasional views from ground floor windows where there are gaps in garden and boundary vegetation.
- 6.21 In terms of cumulative impact, there has been planning permission granted for a switching station off the southern side of Sheephurst Lane and a planning application has been submitted at Bockingfold in TW district approximately 750m to the southwest of the application site. However, due to the distance between the sites and the inability to view the sites together from a fixed vantage point, there would be no cumulative visual impact on the rural locality.

- 6.22 It is considered that there will be very significant views into the site from PROW KM244 which crosses through the site in the SE corner as there will be minimal screening at that point. The view currently looks north with the Greensand Ridge in the background. This view would be obliterated in the short term by the PV arrays and in the longer term by the landscape screening. The perimeter security fence and PV panels would be within a few metres of that PROW.
- 6.23 Views from KM244 nearer Turkey Farmhouse would be affected before the mitigating planting matures in approx. 10 years.
- 6.24 Significant views into the site would occur from KM248 which would run alongside the arrays for a distance of 750m. This path does currently run along the base of the embankment to the railway and a second line of security fencing alongside it for this distance would make it much less pleasant to use and the existing long open views across arable fields would be interrupted by the PV arrays in the short term and curtailed by the screen hedging in the medium to long term.
- 6.25 The new permissive paths proposed would allow more public access and link the PROW network but would have poor outlook as long sections of both would lie between 2.4m high security fencing and the site boundaries.
- 6.26 There will be industrialising visual impact of new gates which will be high and wide and set back behind a large bellmouth compared to the farm gate in existence. There will be visual impact via the second farm gate access which will take some time to be screened and from which will be visible the PV arrays and the industrialising HV compound.
- 6.27 There will also be a likely visual impact from the bunds needed for stored topsoil-these are mentioned in the application but are not detailed and not assessed in the LVIA.
- 6.28 8 Sheephurst Cottages would have views towards the solar arrays and HV compound from upstairs windows. Willow Cottage and Willow Barn would be able to see the PV arrays as will converted dwellings around Little Cheveney Farm complex and Great Sheephurst Farm. Dwellings to the northwest of the site on Burtons Lane (60m from site boundary and 165m from the solar arrays), would have upstairs views as would Turkey Farmhouse to the NE.
- 6.29 The applicant proposes mitigation planting. However, much of the landscape strategy shows additional ecological woodland planting and heavy standard trees **outside** the red line of the application site which means there is no way of securing them by planning condition. The applicant has not offered a legal agreement that secures this off-site planting.
- 6.30 The landscape scheme proposes the introduction of new planting of hedgerows to 'hide' the substantial array of solar panels, but which would also restrict public views across the currently open topography. These wide-open vistas currently give the local countryside its intrinsic character and qualities. The locality is being artificially altered over a long period in the attempt to hide the solar panels. The screening would provide mitigation towards full effectiveness in a ten-year period as the trees, shrubs and hedgerows mature which is a relatively long time for the impact to be experienced by users of the PROW network. It is considered that the proposed species mix within the hedgerows would not provide screening from the outset of the development nor all year round due to the lack of evergreen species.
- 6.31 In any event, it is considered that screening development from view does not negate harm to the intrinsic qualities of the countryside or make otherwise harmful development acceptable. The proposed solar PV development would introduce a considerable impact on the existing open countryside to its substantial detriment.
- 6.32 From greater distances, it is accepted that the site would not be visible from the Crook Road viewpoint in the High Weald AONB. The AONB unit have been consulted but chose not to comment. There is inter-visibility between the site and the Greensand Ridge south of Coxheath and whilst there are polytunnels and some

large scale horticultural/fruit packing buildings in the foreground, the solar farm would add to the industrialisation of the vista.

- 6.33 It is accepted that the proposed planting would screen from several vantage points over the medium to long term. However, views from upper floor neighbouring residential windows of the site would not be likely to benefit significantly from planting given the vast scale of the PV arrays and the height of the fencing and the various structures that would be required to support the development.
- 6.34 Whilst harm would lessen over time as the mitigation planting matures, that creates other harm such as curtailment of open vistas characteristic of the locality. The development would be locally significant in scale and would change the character of the site, which carries with it an intrinsic quality as open, greenfield land.
- 6.35 This impact was referred to negatively by the Inspector who in dismissing the Appeal for a much smaller solar farm at Pagehurst Farm, also in the Low Weald, said *"high hedges to 'hide' the substantial 20 hectare array of solar panels and to restrict public views across the currently vast and open topography. These wide open vistas currently give the local landscape its particular intrinsic character and qualities. The result would be to fundamentally alter the landscape in a contrived way to seek to accommodate the solar panels."*

Heritage Assets

- 6.36 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving heritage assets potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess.
- 6.37 The NPPF references the desirability of sustaining and enhancing the significance of heritage assets and that new development should make a positive contribution to local character and distinctiveness.
- 6.38 The NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a proposed development will lead to "less than substantial harm" to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.39 The desk-based Heritage Assessment (HA) states that most of designated heritage assets lie close to the southeast and are residential properties with screening to their gardens. There are 33 Listed Buildings within the 1km study area.
- 6.40 The HA concludes no harm on the settings of Grade II Listed Buildings of Little Long End, Longends Farmhouse, Turkey Farmhouse, Great Sheephurst Oasthouse. Most of these conclusions are accepted due to distance/and or topography or screening except for the Listed building of Little Long End to which there will be harm to its setting from the industrialisation of its arable context.
- 6.41 The HA also concludes no harm to the cluster of Grade II listed buildings at Little Cheveney Farm as it focuses on public vistas. This conclusion is not accepted. The original application showed PV arrays enveloping the complex at distances of only 125m to the fence and 140m to the arrays. This distance has increased to 175m and 180m respectively in the revised scheme but the application still harms the visual, functional and historic connection to the heritage assets at Little Cheveney Farm.
- 6.42 Occasional views from and to all these listed buildings across the application site would be possible resulting in some harm to their setting. The harm to the significance of the heritage assets would be "less than substantial" but nevertheless weighs against the proposal in the overall balance. The public benefits of a renewable energy scheme are accepted but could be obtained by sites that are less constrained by the proximity of so many Grade II listed buildings.

- 6.43 The site is an Area of Archaeological Potential and archaeological investigations can be secured through an appropriately worded condition. The HA conclusion of no harm to archaeological assets is accepted.

Biodiversity

- 6.44 The NPPF states that local planning authorities should aim to conserve and enhance biodiversity.
- 6.45 Natural England has not objected to the application subject to a condition on kingfishers.
- 6.46 KCC is concerned at the impact on habitat for badgers and skylarks although says that the latter could be mitigated by advance creation of skylark plots within the surrounding area.
- 6.47 Ancient Woodland is not directly impacted but the perimeter fence will be erected 15m at its closest point with the gap becoming a new permissive footpath. This is considered to unnecessarily add pedestrian pressure to AW within its buffer thus giving risk of habitat being harmed by trampling, contrary to the national Planning Practice Guidance.
- 6.48 The EA has concerns that creation of a public footpath is proposed within 8m of the Lesser Teise and objects to harmful impacts on ecology and physical habitats.

Residential Amenity

- 6.49 The NPPF sets out to secure a good standard of amenity for all existing and future occupants of land and buildings. Planning decisions should avoid noise significantly adversely impacting on health and quality of life.
- 6.50 The applicant's Glint and Glare Report sets out that the middle of the solar panel has been used as the assessed height in metres above ground level (agl) as it represents the smallest possible variation in height from the bottom and top of the solar panels. The applicant states that the small variation in panel height will not change the conclusions of the report because of a marginal impact on the modelling results. Efficient PV modules are designed not to reflect sunlight: the glass used in solar PV systems reflects approximately 2% of the light and sunlight will be reflected upwards, not in the direction of any observers at ground level. This is accepted.
- 6.51 Network Rail expresses no concerns with the glint and glare aspects of the development and similarly, KCC does not raise highway safety issues from and glint and glare on roads near the site.
- 6.52 The applicant has set out that the HV compound would potentially create noise but concludes no noise mitigation measures are required.
- 6.53 However, the Council's Environmental Protection Officer is not satisfied with the study and advises that the noise assessment should be widened and BS4142 assessments done for all locations. They advise that the methodology used is not appropriate for this type of noise as this is for non-tonal steady traffic type noise which this is not.
- 6.54 Noise from the construction works is a consequence of development but short-term impacts could be managed under Environmental Protection legislation.
- 6.55 It is considered that the noise study has not been correctly carried out so there is a potential breach of policy DM1 in terms of residential amenity.

Highways

- 6.56 The existing field access from Shephurst Lane would be widened to 6m and gated with acceptable visibility splays.

- 6.57 The Transport Statement sets out there is no operational traffic. Construction related traffic will be coming from the north and the applicants now concur that KCC now agree that the route suggested by Marden PC has overall safety benefits.
- 6.58 A variety of HGVs would access the site for construction, resulting in an average of 26 two-way movements per day over the 5.5-day week for approx. 24 weeks. Most will be articulated lorries of up to 40 tonnes and a mobile crane will be required for at least 12 weeks. The applicant has agreed that HGVs could be managed to avoid peak hours.
- 6.59 There would be up to 80-100 construction workers at peak times. It is envisaged that the non-local workforce would stay locally, would travel to and from the site by private bus or shared hire cars.
- 6.60 The construction traffic would inevitably be very disruptive to those living in the area for a period of approx. 6 months but operationally, the solar PV farm would not have any highways impact. The scheme could not be refused on highway grounds from construction traffic in my view as that is separate to the land use considerations of the development and would fail the NPPF test that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Flood Risk and Drainage

- 6.61 The site includes significant areas of Flood Zones 2 and 3. The NPPF states that areas at highest risk of flooding should be avoided for development, but where necessary, it should be safe without increasing flood risk elsewhere.
- 6.62 The Stage 1 Flood Risk Assessment Report concludes that a solar farm should be considered as 'Essential Infrastructure' with the compound and the substation ideally located within the lower flood risk areas. The layout for the scheme responded to the FRA's recommendations by locating the compound on higher land in the SW i.e., nearer Sheephurst Lane.
- 6.63 Notwithstanding that the FRA reflects a layout before the HV compound was proposed in an area of lesser flood risk, the Environment Agency has offered no objection in principle provided the finished slab level of essential infrastructure is set at 17.5mAOD which is 300mm above the design flood level. This can be achieved. The PV panels will be above the flood level.
- 6.64 There are no proposals to alter watercourses or banks. On this basis, there are no flood risk or drainage concerns.

Other Matters

- 6.65 Although local residents consider that the diversion of footpath would be more susceptible to flooding, the PROW officer has no objections and considers the 2 new permissive footpaths to be beneficial in terms of accessibility and linked routes.

PUBLIC SECTOR EQUALITY DUTY

- 6.66 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 Renewable energy reduces the emission of greenhouse gases and there is farm diversification, improved biodiversity and short-term local economic benefit from the construction.
- 7.02 The site is not previously developed land and is 43% arable land of grades 2 and 3a and so the development breaches with National Energy and Planning policies

and policy DM24 of the MBLP. The applicant has not demonstrated that alternative sites of a lower agricultural quality could not be found.

- 7.03 The development is alien to the established character of the local countryside. By virtue of the scale of the development, the layout and distribution of arrays and the inadequacy of proposed mitigation, the harm to the intrinsic character and appearance of the open countryside is substantial, both in significance and scale, and would not be mitigated by the landscaping proposals.
- 7.04 The development will create bunds of stored topsoil. Whilst the applicant has failed to provide details, they would be visually harmful. The proposal in this regard is therefore contrary to the NPPF and to Policies SP17, DM1, DM24 and DM30 of the MBLP.
- 7.05 There would also be some harm to the setting of listed buildings, notwithstanding this harm would be "less than substantial" in nature, contrary to the NPPF and policy DM4 of the MBLP. Whilst there are public benefits to be weighed against that degree of harm, it is not evidence that these benefits could not be achieved from more appropriate sites.
- 7.06 In terms of biodiversity, there is risk to the movement of badgers and loss of skylark habitat and Ancient Woodland buffer would suffer unnecessary pedestrian pressure. The EA is concerned that creation of a permissive footpath within 8m of the Lesser Teise would detrimentally impact on ecology and physical habitats. This means the development is contrary to the NPPF and policies DM3 and DM24 of the MBLP.
- 7.07 When assessed against the Government's Energy and Planning policies and the MBLP, the overall adverse impacts of this proposal on this site and surrounding areas cannot be adequately mitigated, are significant and not demonstrably outweighed by the benefits of the proposal. I therefore recommend that planning permission be refused.

8. RECOMMENDATION

REFUSE planning permission for the following reason(s):

- 1) The site includes a significant proportion of the best and most versatile agricultural land which has economic and other benefits that NPPF requires to be recognised. The proposal is also contrary to National Energy policies and Planning Practice Guidance and policy DM24 of the Maidstone Borough Local Plan 2017 which direct solar farms towards lower grade agricultural land. The proposed use of the best and most versatile agricultural land has not been adequately demonstrated to be necessary.
- 2) By virtue of its scale and character, the proposed development would cause significant harm to the character and appearance of the countryside and does not adequately mitigate these impacts, contrary to the aims and objectives of the National Planning Policy Framework and policies SP17, DM1, DM24 and DM30 of the Maidstone Borough Local Plan 2017.
- 3) The proposed development, by virtue of its scale, proximity and character results in less than substantial harm to the settings of Heritage Assets being Grade II listed buildings of Little Long End and Little Cheveney Farm as views from and to listed buildings close to the site would be possible. The harm to the significance of the heritage assets would be less than substantial. The application is therefore contrary to policies DM4 and DM24 of the Maidstone Borough Local Plan 2017 and the NPPF.
- 4) The proposal would cause harm to biodiversity by detrimentally impacting on ecology and physical habitats including badger and skylark habitat and potential

harm from new permissive footpaths to Ancient Woodland and the Lesser Teise and is thereby contrary to the NPPF and policies DM3 and DM24 of the Maidstone Borough Local Plan 2017.

- 5) The noise assessment does not include BS4142 assessments for all locations and therefore the applicant has failed to demonstrate that there will be no harm to residential amenity, contrary to policies DM1 and DM24 of the Maidstone Borough Local Plan 2017.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.