REPORT SUMMARY

REFERENCE NO – MA/14/0353		
APPLICATION PROPOSAL Installation of solar panels and associated equipment to enable energy generation for the farm cold store and connection to the national grid for any surplus.		
ADDRESS Land At Wanshurst Green Farm, Battle Lane, Marden, Kent, TN12 9DF		
RECOMMENDATION GRANT		
SUMMARY OF REASONS FOR RECOMMENDATION The application is supported by emerging policy and central government guidance.		
REASON FOR REFERRAL TO COMMITTEE Marden Parish Council has requested committee consideration.		
WARD	**PARISH/TOWN COUNCIL**	**APPLICANT** **AGENT**
DECISION DUE DATE	**PUBLICITY EXPIRY DATE**	**OFFICER SITE VISIT DATE** 16/5/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): There is no planning history directly relevant to this site or this proposal.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is an irregularly shaped area of land approx. 0.3ha in area. This land is located in the rural area north east of Marden, just beyond the eastern margins of the linear group of buildings that make up Wanshurst Green Farm and involves the north eastern corner of a large arable field. This area is not the subject of any particular landscape designation.

1.02 The site has a small shaw of woodland around ponds to its northern side with outlying farmbuildings beyond that, Otherwise the site for the installation is essentially surrounded by the remainder of the arable field. This is low-lying land that generally slopes down very gently from south to north. There are public rights of way around the site, most notably KM271 that runs east/west through the whole farm complex and the aforementioned outlying farm buildings to the north of the application site.

2.0 PROPOSAL

2.01 It is proposed to install a PV system to provide energy for the farm cold store. Any surplus would go to the National Grid. The development comprises ground mounted solar panel modules and associated electrical connection infrastructure (cables, inverters etc). The location offers ready access to the electrical connection within the complex of farm buildings, which the PV system would link into.

2.02 Solar panels would be mounted on lightweight fixed frames anchored into the ground. They would be no higher than 2.25 metres at the highest point off the ground and would slope at a fixed angle toward the south. The panels would be arranged in rows of varied length so as to fit a shape which reflects the outline of the nearby woodland edge.

2.03 The panels are finished in blue/black and are designed to maximise the capture of solar energy. Energy is converted to electricity by means of inverters mounted on the frame structure underneath the panels. The energy is then transferred by cable and connected to the farm.

2.04 For security reasons, the panel arrays would be fenced to a height of 2 metres. It is proposed to use either a lightweight mesh finished in green, or standard deer fencing. The fenced area would occupy only a small part of the field and the existing arable usage of the remainder of the field would not be affected. The land within the fenced area would be put down to grass and managed to promote diversity. A small secure cabinet for electrical switchgear would be required within the application site.

2.05 The PV equipment would require minimal maintenance. Following decommissioning of the equipment, the site could return to the agricultural use of the field.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Planning Practice Guidance on Renewable and Low Carbon Energy (2013)
Development Plan: ENV6, ENV28
Maidstone Borough Local Plan Regulation 18 Consultation 2014: SS1, SP5, DM3

4.0 LOCAL REPRESENTATIONS

4.01 No representations have been made on this application.

5.0 CONSULTATIONS

5.01 MARDEN PARISH COUNCIL states:

“Whilst Councillors understood from the application the existence of a need for solar generation to power a cold store associated with the agricultural use of the land, the size and scale of the arrays proposed is excessive to that need, as acknowledged by the applicant. The application therefore fails the exception tests contained within policy ENV 28. The application site is in a sensitive location, close to designated heritage assets and clearly visible from two public footpaths (KM270 and KM271). Given their proposed size and scale, the arrays would result in an incongruous urbanising feature in the Open Countryside, on otherwise productive agricultural land, the loss of which is resisted by National Planning Policy Guidance on the subject. For these reasons, Councillors recommend refusal of the application and request that the application is referred to MBC Planning Committee.”

5.02 THE KCC BIODIVERSITY OFFICER states:

“The proposed development is for a small scale solar array located on an actively managed arable field. The applicant is proposing to use a precautionary approach to minimise impact on protected/notable species (such as great crested newts (GCN)) which may be present within the site. Due to the size of the development we are satisfied that this approach is acceptable. We advise that the visual inspection detailed within the Biodiversity Statement must be carried out by an experienced ecologist. If granted, the area below the solar array

will become grassland which will increase the suitability of the site to be used by GCN. As a result we advise that the decommissioning of the site will have a greater potential to have a negative impact on great crested newts and there may be a requirement for GCN surveys and a mitigation strategy to be produced prior to the decommissioning. We recommend that as a condition of planning permission, if granted, an ecological scoping survey, any specific species surveys required and a mitigation strategy are submitted to MBC for approval prior to decommissioning commencing on site."

6.0 APPRAISAL

Principle of Development

6.01 There are no policies within the Maidstone Borough-Wide Local Plan 2000 which relate to renewable energy development either saved or unsaved. Presumably, because at the time of adoption in 2000, large-scale renewable energy projects were uncommon, or deemed to be appropriately covered by county-wide or national policies.

6.02 Policy ENV28 of the Local Plan relates to development in the countryside stating that:

"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers"

ENV28 then outlines the types of development that can be permitted. This does not specifically include renewable energy development (I would suggest for the reasons outlined above). Policy ENV6 requires development proposals to include a landscape scheme including boundary treatments. Schemes should retain existing trees, woodlands, hedgerows and other features that contribute to the character of the area.

6.03 Policy DM3 of the Maidstone Borough Local Plan Regulation 18 Consultation 2014 gives much more detailed guidance but is at a very early stage of its evolution and can be afforded little weight. It states:

> "Applications for larger scale renewable or low carbon energy projects will be required to demonstrate that the following have been taken into account in the design and development of the proposals.
>
> 1. The cumulative impact of such proposals in the local area.
> 2. The landscape and visual impact of development, with particular regard to any impact on, or the setting of, the Kent Downs AONB.
> 3. The impact on heritage assets and their setting.
> 4. The impact of proposals on the amenities of local residents, e.g. noise generated and in the case of wind turbines, shadow flicker.
> 5. The impact on the local transport network.
> 6. The impact on ecology and biodiversity including the identification of measures to mitigate impact and provide ecological or biodiversity enhancement.
> 7. In the case of wind turbines, [in addition to 1 to 6 above] the impact on:
> i. air traffic and safety.
> ii. defence installations and operations.
> iii. other radar installations.
> iv. electromagnetic transmissions.
> 8. Preference will be given to sites comprising previously developed land or agricultural land that is not classified as the best and most versatile."

6.04 The NPPF outlines a set of core land-use planning principles (paragraph 17) which should underpin both plan-making and decision-taking including to:

"support the transition to a low carbon future in a changing climate... and encourage the use of renewable resources (for example by the development of renewable energy)" and

"recognise the intrinsic character and beauty of the countryside"

6.05 Chapter 10 (Meeting the challenge of climate change, flooding and coastal change) states that:

"Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions… and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development."

Paragraph 97 outlines that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- "have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers."

6.06 At paragraph 98 it is advises that, when determining planning applications, local planning authorities should:

- "not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas."

6.07 Therefore, national and local planning policy seeks to support and achieve sustainable development through economic, social and environmental roles and provides positive encouragement for renewable energy development. In terms of location, countryside sites are feasible with priority given to less sensitive parts of the countryside, including previously developed land and major transport areas. However, there remains a need to protect the character and beauty of the countryside, and particularly important landscapes, such as AONBs, as well as heritage and ecology assets.

6.08 I therefore consider that, subject to other considerations, the principle of the development at this site is endorsed by planning policy. It is necessary for the purposes of agriculture and such development is likely to need a rural location. Much emphasis in planning policy is put on the benefits of renewable energy development and I consider this must be balanced against the visual impact of the proposals on landscape and heritage, the impact upon ecology and biodiversity, the impact upon local living conditions, the loss of agricultural land, and highway safety and access.

Visual Impact

6.09 In my consideration the issue of the impact of this development on the character of the countryside is the main issue in this application. This is not an application for a large scale solar park, some of which have been proposed elsewhere in the Borough. The site for the panels amounts to around 0.3ha and this is a relatively small scale project aimed at the needs of the farm, albeit that excess would be fed into the National Grid. This is not a project aimed at large scale energy production (as was permitted at Lenham Heath and as currently proposed at Pagehurst Road, Marden).

6.10 The land hereabouts is not the subject of any particular landscape designation. It is gently sloping, low-lying land that currently forms part of a large arable field. The site for the panels has reasonable screening from the trees to the north and longer range views from other directions are screened or interrupted by farm buildings and hedgerows. The panels and associated development would be (at least in part) visible from the public right of way network around the site but, with a maximum height of just over 2m, I do not consider that significant visual harm would be caused by this development. Limited harm must be balanced against the advantages of renewable energy and the clear support for such projects outlined in emerging policy and central government guidance.

6.11 The agents have pointed out that the site for the panels is slightly divorced from the eastern margins of the farm complex as some configurations closer to the farm may lead to awkward areas of land to farm; whilst there is a desire to have some degree of separation between the panels and residential property. In visual terms, it would have been more advantageous to have the arrays closer to the farm group but I do not consider the proposed position to be unacceptable.

Residential Amenity

6.12 There would be no adverse impact from the development on residential property. The arrays are not noise-generators, do not cause significant glare, nor do they cause any loss of light, outlook or privacy.

Highways

6.13 There would be no significant impact on highway safety or circulation. The solar array would be accessed from the existing access off Battle Lane. It is likely that the equipment would be delivered to site in three loads and the total construction period for an installation of this size is typically just one month. Once operational, PV systems require very little maintenance. There would be just occasional visits to clean and check the equipment whilst the ground around and between the arrays would be maintained by mowing.

Landscaping

6.14 No trees or hedgerows would need to be removed to facilitate the development. No new planting is proposed.

Ecology

6.15 As the Biodiversity Officer states, the proposed development is for a small scale solar array located on an actively managed arable field. The applicant is proposing to use a precautionary approach to minimise impact on protected/notable species (such as great crested newts (GCN)) which may be present within the site. Due to the size of the development the Biodiversity Officer is satisfied that this approach is acceptable. If granted, the area below the solar array would become grassland which would increase the suitability of the site to be used by GCN. The decommissioning of the site would have a greater potential to have a negative impact on GCN and there may be a requirement for GCN surveys and a mitigation strategy to be produced prior to the decommissioning: this should be the subject of a condition. I consider there to be no justifiable reason to refuse this application on the grounds of ecology.

Other Matters

6.16 Looking at issues raised by the Parish Council, Policy ENV28 allows for the reasonable needs of agriculture development. If at some time the arrays generate an excess of power then I believe it to be common practice to feed that into the Grid. The impact on the character of the countryside is dealt with above. In my view the setting of listed buildings would not be affected here: there are listed buildings at Wanshurst Green Farm but these are located within the built group of the farm and would not be affected by this development. The development does not lead to a permanent loss of agricultural land as the arrays could be relatively easily decommissioned if no longer needed.

7.0 CONCLUSION

7.01 This is an application for a modest array of sv panels to meet the needs of the farm. I consider that the harm to the countryside would be very limited and such facilities are supported by emerging policies and central government.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. W21/NS/02, W21/NS/03A, WAN-NS-01, EDS/08/0123.06/! and fencing details received on 3/3/14;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

3. Within six months of the cessation of electricity generation by the solar PV facility all development hereby permitted including the solar PV panels, frames, inverter modules, all foundations, track ways and all associated structures and fencing shall be dismantled and removed from the site;

Reason: To ensure the achievement of satisfactory restoration of the land in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

4. The development hereby permitted shall be constructed and subsequently maintained in accordance with the Biodiversity Statement dated 12/5/14;

Reason: In the interests of ecology.

5. Before works start on any decommissioning of the site, the site shall be the subject of an ecological scoping survey, any necessary specific species surveys and, if necessary, a mitigation strategy. Details of such surveys and strategy shall be submitted to and approved by the local planning authority before decommissioning works commence and the works shall take place in accord with the approved documents;

Reason: In the interests of ecology and biodiversity.

Case Officer: Geoff Brown

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.