

REPORT SUMMARY

REFERENCE NO: MA/13/1456		
APPLICATION PROPOSAL: Ground based photovoltaic solar farm, access, associated works and grid connection.		
ADDRESS: Great Pagehurst Farm, Pagehurst Road, Staplehurst, Maidstone, Kent, TN12 0JD		
RECOMMENDATION: Grant, subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION:		
<ol style="list-style-type: none"> 1. The principle of the development would be acceptable on Planning Policy grounds. 2. Lack of suitable sites; land classification of site is grade 3B which is not 'Best Most Versatile' agricultural land. 3. Ecological mitigation measures can be successfully implemented subject to conditions. 4. The visual impact on the landscape and landscape character is considered to be moderate subject to conditions. 5. The impact on surrounding heritage assets would amount to less than substantial harm. 6. Potential harm caused by the development would be outweighed by the benefits of a significant contribution to renewable energy generation. 		
REASON FOR REFERRAL TO COMMITTEE		
1) The recommendation is contrary to the views of Parish Councils		
WARD: Staplehurst	PARISH/TOWN COUNCIL: Staplehurst Parish Council	APPLICANT: Sunsave 22 (Pagehurst Farm) Ltd AGENT: Parker Dann Limited
DECISION DUE DATE: 12.12.2013	PUBLICITY EXPIRY DATE: 25.12.2015 (latest publicity)	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY		
<p>There is no relevant planning history at the site.</p> <p>A screening opinion was issued on 18th November 2013 concluding that an Environmental Impact Assessment was not required due to the site's location outside any protected area and removed from areas of dense population, the low heights of the equipment and infrastructure compared with surrounding features in the landscape, lack of pollution and wider impacts on the surrounding area, not likely to have significant impacts on the environment by virtue of its nature, size or location. As such, it was not considered that the proposed development would be of more than local importance.</p> <p>A screening opinion was adopted and issued on 27 January 2016 based on the current submitted plans, documentation and other material considerations that have arisen throughout the determination period concluding that an Environmental Impact Assessment was not required for the same reasons as above and that the proposed development would not have any significant impact on ecology or result in a cumulative impact with other proposed solar farms situated within the local area.</p>		

MAIN REPORT

1.0 DESCRIPTION OF THE SITE

- 1.1 This planning application relates to a large field of approximately 72 hectares in area, approximately 2km to the west of the centre of Staplehurst. Marden Road runs along the northern boundary of the site, Park Road is to the west and Pagehurst Road runs along the south of the site.
- 1.2 The field has most recently been used for agriculture and is fairly flat but does rise to the south nearer to Pagehurst Road. An overhead power line runs across the site from east to west.
- 1.3 There are residential properties close by to the east and west of the site. Their relationships with the proposed development are described later in this report.
- 1.4 The northern section of the site and the land immediately to the north west of it is designated by the Local Plan as a Local Wildlife Site (Marden Arable Field – LWS MA48). The land to the north west of the site on the north and south of Marden Road where it is adjacent to Park Road and Battle Lane is allocated as a Site of Special Scientific Interest.
- 1.5 There are two ponds on the site and there is an agricultural access from Marden Road.
- 1.6 There is a hedgerow along the northern boundary of the site with Marden Road (interrupted by an existing field access). There are trees and hedgerows along the eastern and western boundaries of the site. The southern boundary with Pagehurst Road is open.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for the siting of a 13.6MW photovoltaic solar farm at the site for a period of 25 years.
- 2.2 There would be 63,888 modules (panels) supported by 2,662 arrays (racks) and they would cover a developable area of around 19.02ha in the central/eastern section of the site (the developable area). No modules would be positioned on the remainder of the site. Each array would support 24 modules, in a 12 x 2 arrangement and would be 3.246m deep, 12.3m long and would have a maximum height of 1.75m. The modules would be tilted at a 15 degree angle from horizontal. The applicant estimates that the energy created by the development could meet the electricity needs of approximately 4,200 homes per year throughout the lifetime of the development.
- 2.3 The nearest neighbours to the 'developable area' would be towards the north of the site, to the east and west and would be approximately 160m away.
- 2.4 In addition to the arrays, a number of ancillary structures would support the functioning of the solar farm. Their quantity and size are set out in the table below:

	Quantity	Length (m)	Depth (m)	Height (m)
Invertor cabinets	10	6.96	2.56	2.95
Substation 1	1	5.6	4.9	4.0
Substation 2	1	4.13	2.75	3.1
Spare Parts Container	1	12.2	2.4	2.6

- 2.5 The panels and the associated structures would be enclosed by a green 2.1m tall plastic coated, steel mesh fence.
- 2.6 Access to the solar farm would be through an existing field access off Marden Road, which would be widened to 6m during construction and then reduced to 3m once construction was complete. A solid timber gate would be placed across the entrance. A series of tracks would be created within the site to allow vehicular access across it.
- 2.7 The applicant has set out that the array supports, access tracks and the structures, taken together would cover approximately 3% of the total site area.
- 2.8 An area at the front (north) of the site would be used for storage during construction of the solar farm. Once construction is complete, that area would be seeded and restored to grassland.
- 2.9 The land around and beneath the arrays would be sown with grass seed. The grass would be managed with seasonal sheep grazing.
- 2.10 There would be no staff based at the site. Visitors would be largely limited to maintenance workers.
- 2.11 Planning permission is sought for a 25 year period. After that time, the development would be decommissioned, removed from the site, and the site returned to its former condition.
- 2.12 A range of landscape initiatives and biodiversity mitigation measures are proposed and are described within this report. Two existing trees within the developable area would be retained.

3.0 PLANNING POLICY AND OTHER MATERIAL PLANNING CONSIDERATIONS

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 In this case, the development plan consists of the saved policies of the Maidstone Borough Wide Local Plan (2000)
- ENV6 – Landscaping, Surfacing and Boundary Treatment
 - ENV28 – Development in the Countryside.

3.3 Material considerations relevant to this planning application include:

- The National Planning Policy Framework (2012) (NPPF)
- The National Planning Practice Guidance (2014) (NPPG)
- 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 its subsequent updates in 2012 and 2013
- The UK Solar PV Strategy Part 1 (2013) and Part 2 (2014)
- The Maidstone Landscape Character Assessment (2012) (amended 2013), Landscape Capacity Study (2015) and Landscapes of Local Value (2015)
- Maidstone Borough Council Planning Policy Advice Note: Medium Scale (>50kW) Solar PV Arrays (2014)
- Planning update March 2015 by The Rt Hon Sir Eric Pickles MP to the House of Commons dated 25th March 2015.
- Letter from The Rt Hon Gregory Barker MP to all Local Planning Authorities dated 22nd April 2014 regarding the Government's solar PV strategy.
- Safer Places, The Planning System and Crime Prevention.

3.4 The Maidstone Borough Local Plan will provide a framework for development until 2031. It plans for homes, jobs, shopping, leisure and the environment, and will plan infrastructure to support these. The Local Plan is emerging and its policies are material to the consideration of this application and whilst it is progressing to a Regulation 19 submission, at this time its policies cannot be afforded full weight. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving listed structures potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.

4.0 CONSULTATION RESPONSES

4.1 **KCC Highways:** No objection subject to conditions and a Section 278 agreement to ensure integration with the carriageway of Marden Road, visibility splay improvements and advanced temporary signage.

4.2 Whilst not confirmed it is anticipated that the access arrangements will remain permanent as shown on the submitted plan. It is considered therefore that in order to ensure satisfactory integration of construction with the carriageway of Marden Road and to suitably complete these works, the applicant will need to enter into a Section 278 agreement with this authority. Movement of light vehicles will be outside peak periods and should the application be approved, include these elements in a condition.

- 4.3 In total it is anticipated that there will be 970 heavy goods vehicle movements necessary in order to complete this construction over a 12 week period. No movements through Leeds are proposed which is subject to a weight limit. It is not considered that this level of traffic could warrant a concern and no objection is raised to the application subject to the following:-
- The applicant will need to enter into a Section 278 agreement with this authority in order to ensure satisfactory access construction, visibility splay improvements and advanced temporary signing.
 - Provision of wheel washing or road sweeping facilities prior to commencement of work on site and for the duration of construction.
 - The proposal to use a banks man or operative to assist movements to and from the site for health and safety reasons during construction is helpful.
 - It is further recommended that the applicant contacts this authority to undertake road condition surveys prior to commencement, to ensure that any damage that may occur is repaired by the applicant.
- 4.4 The following informative should be added: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 4.5 **KCC Public Rights of Way and Access:** No objection.
- 4.6 **Crime Prevention Design Advisor (Kent Police):** No objection subject to conditions to prevent unwanted attention from metal thieves and/or become targets for vandalism and criminal damage.
- 4.7 **Kent Wildlife Trust:** No objection subject to the implementation of the Enhancement and Management Plan.
- 4.8 **Environment Agency:** No objection.
- 4.9 **Natural England:** No objection subject to conditions.
- 4.10 This application is in close proximity to the Marden Meadows Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified and the SSSI does not represent a constraint in determining this application.
- 4.11 The proposals would not appear to lead to the long term loss of best and most versatile land as the panel arrays would be fixed with limited soil disturbance being secured through pins in to the ground every few metres, and could be removed when planning permission expired with no likely loss of agricultural land quality.

- 4.12 The planning application is for a limited period of 25 years and would expect that any planning approval would require the site to be decommissioned and restored to its former condition when planning permission expires.
- 4.13 The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.
- 4.14 This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.
- 4.15 **MBC Landscape Officer :** No objection subject to conditions relating to landscaping, particularly the provision of substantial boundary screening to the north, west and eastern edges of the development site, and the implementation of an archaeological watching brief or any other archaeological work as advised by KCC.
- 4.16 **MBC Conservation Officer:** It is considered that the proposal would result in less than substantial harm to the surrounding heritage assets and their setting.
- 4.17 **MBC Arboricultural Officer:** No objection subject to conditions.
- 4.18 **Rural Planning Limited:** No objection.
- 4.19 The ALC Study confirms the land to be all Grade 3b (moderate quality). The proposal should be regarded as a significant development of agricultural land where land of poorer ALC quality than the proposed site should be sought instead.
- 4.20 **KCC Ecological Service:** No objection subject to conditions.
- 4.21 A Great Crested Newt survey has been carried out on the majority of ponds within 300 meters of the site boundary and recorded GCN within 6 of the 19 ponds surveyed. The results of the survey confirms that GCN have been recorded within the ponds to the North, West and South of the site – including ponds 1 and 2 which are within 50 metres of the proposed development site. As a result of reviewing the submitted information and attending a meeting with the applicant we understand that the ecologists have assessed that there are at least two meta-populations of GCN. A population to the south of the development site (incorporating ponds 1 and 5) and a population to the north of the development site (incorporating ponds 2, 4, 10 and 14).
- 4.22 The survey results suggest that there is a medium population of GCN in the North and a small population in the south. The numbers of newts within ponds can fluctuate considerably from year to year and this is highlighted by the fact that in a previous survey in 2013 a high population of GCN were recorded in pond 9. As no GCN were recorded within pond 9 during this survey we were concerned with the variation in GCN numbers. During the meeting the ecologists detailed that this was likely due to the high number of domestic fowl present within the site resulting in the vegetation around the ponds 9 and 10 being intensively grazed. As a result of reviewing the submitted survey and discussing the results with the applicant's ecologist we are satisfied with the results of the GCN surveys.

Impact on GCN

- 4.23 The site is an arable field and does not provide optimum GCN habitat however GCN are known to commute and (if suitable features available) shelter within arable fields. As such the impact on the GCN population must be considered by the determining authority when granting planning permission.
- 4.24 GCN are more likely to commute between ponds within a meta-population area. However as detailed within the Great Crested Newt Conservation Handbook GCN are known to disperse and colonise ponds over 1000metres away (from existing ponds) therefore it is possible that there will be GCN movement out with these meta population areas (and therefore throughout the proposed development site.)
- 4.25 We had concerns that the proposed development site may provide suitable resting areas for GCN (for example cracks or fissures within the arable field). The applicants have provided the following information detail why they are satisfied that it is unlikely that the field (in its current condition) is used by resting/hibernating GCN:
1. In the last few years the field has not been ploughed and is therefore relatively flat and compressed through the action of agricultural machinery; instead the field is 'direct-drilled' – a method of dropping the seeds of the next crop into a narrow cut in the ground without turning over the soil.
 2. From the perspective of GCNs there are no crevices or hiding or resting or sheltering places in which GCNs could live. As detailed within our previous responses it is the construction of the proposed development is likely to have the greatest impact on GCN.
- 4.26 As such for the purposes of this application we advise that the main consideration is the impact the construction of the proposed development will have on commuting GCN and resting GCN (if suitable features are created during the construction period).

Mitigation

- 4.27 To avoid impacting GCN the applicant is proposing to carry the work out during the hibernation period (approximately November to February) using a precautionary mitigation strategy.
- 4.28 As detailed in previous responses we have had a number of concerns with this approach and how it would be implemented successfully (if planning permission is granted). Our concerns with the approach included:
1. Proposals for an ECOW to search the entire site if the night time temperature was above 5oC and was raining
 2. Stopping work on site (until the following hibernation period) if construction goes beyond the hibernation period.
- 4.29 As detailed above the applicant has provided information detailing why they feel it is unlikely that GCN will be hibernating on site. Therefore the greatest risk would be GCN moving on to site during the construction period and finding suitable sheltering habitat (established during the construction period).
- 4.30 As such the possibility of erecting a temporary exclusion fence was discussed – this would temporarily restrict access during construction if the weather conditions were suitable or construction extended in to the active period.

- 4.31 The ecologists have provided the following additional information detailing why they are satisfied that the use of an exclusion fence is appropriate in this situation:

The construction works would be carried out at the time when GCNs are in hibernation, and the fence would not enclose any hedgerows or ponds where they might be hibernating. GCNs will be in the hedgerows and around the ponds during hibernation, not within the flat field that has no refuge areas and is sub-optimal. The area enclosed by the fence would be outside the optimal habitats frequented by GCNs; that is, it would not encircle any optimal GCN habitats.

- 4.32 A map has been submitted detailing that a GCN exclusion fence (if used) will be erected around the boundary of the security fencing – however the map does not demonstrate how the fence will be erected around the site entrance (to prevent GCN entering the site). We would suggest that if MBC are minded to grant planning permission a detailed map showing the fencing around the entrance is submitted as a condition of planning permission.

Monitoring

- 4.33 We recommend that if planning permission is granted a monitoring strategy is produced and submitted as a condition of planning permission. The monitoring strategy must be implemented for the lifetime of the development.

Birds

The submitted Phase 1 Habitat Survey concluded that *the footprint of the site does not provide suitable habitat for breeding birds*. But as the field is arable it is possible the proposed development site is used by ground nesting birds and the development may result in a potential loss of breeding habitat. The submitted survey states:

With regard to birds on site, we appreciate that there are likely to be other species visiting the site through the year, and that some of these might include BAP species. We are not aware that solar has any detrimental impact upon birds, indeed; to the contrary the cessation of ploughing and the development of grassland between and under the arrays will be beneficial to avifauna.

It is considered that by timing the works during the winter it will avoid directly impacting any breeding birds (if present).

The proposed development is located within an area where there are large numbers of arable fields where ground nesting bird habitat would still be present within the surrounding area (ground nesting birds like skylarks are unlikely to nest within solar arrays). The proposal to create a wildflower grassland within the solar array is likely to result in an increase in foraging habitat for breeding birds.

The proposed development will result in a loss of potential ground nesting bird habitat for a temporary period but suitable foraging habitat for nesting birds is intended to be increased. The increase in food is likely to benefit any birds nesting within the surrounding area.

A condition is therefore recommended requiring the submission of a ground nesting birds survey prior to commencement of development.

Enhancements

- 4.34 One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.
- 4.35 The applicant is proposing to create a wild flower meadow during the construction phase therefore, if granted, it is likely the development will result in an increase in GCN foraging habitat. As such we would recommend that a detailed management plan of the grassland and ponds is submitted as a condition of planning permission if granted. We would expect the management plan to be implemented for the life time of the development.

Decommissioning

- 4.36 The proposed development is only for 25 years and during the life time of the development the applicant is proposing to enhance the proposed development site. As such it is likely that the decommissioning of the development will have an impact on the GCN population. As such if planning permission is granted we advise that a condition is including requesting the following to be submitted prior to any decommissioning works being implemented:
1. Ecological scoping survey
 2. Recommended specific species surveys
 3. Detailed mitigation strategies.
- 4.37 **Kent Reptile and Amphibian Group:** No objection subject to a condition requiring the provision of GCN breeding ponds within the site.
- 4.38 **KCC Archaeology:** No objection subject to the following conditions:
- 4.39 The site does not contain any designated heritage assets although there are some Listed historic buildings of Mountain Farmhouse immediately to the west, and Great Pagehurst Farm complex to the south. The site contains possibly two known heritage assets of Iron Age/Romano-British industrial activity in the northern area and to the south there may be a WWII aircraft crash site. The full extent and location of these sites is not currently clear and further associated remains may survive within the site.
- 4.40 Based on current information, there seem to be no major impacts on the archaeological resource. There is a need to confirm the location of the WWII aircraft crash site and if located on the site, disturbance of this sensitive site should be avoided. There is potential for archaeological remains to survive on site and the following conditions are recommended:
- 4.41 AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.
- Reason: To ensure that features of archaeological interest are properly examined and recorded.
- 4.42 AR2 No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains.

4.43 **MBC Environmental Health:** No objection subject to conditions relating to noise level limits.

4.44 **CPRE Protect Kent – Maidstone District:** Object for the following reasons:

Landscape Impact

4.45 This is a very large development and will have a significant effect on the landscape. In addition to the 63,000 solar panels, there appear to be a dozen large buildings ranging between 3-4 metres in height - twice the height of the proposed screening hedge. The Core Planning Principles (Para.17) of the NPPF states that the intrinsic nature and beauty of the countryside is recognised and should be protected. In our view, this application, with the high buildings and fencing, can only lead to an industrialisation of the countryside and be detrimental to its character and the setting of several listed buildings. The Council's own guidelines on renewable energy state "...they need to be appropriately sited and not conflict with the landscape character or existing uses" (DM2 12.6).

Agricultural Land And Use

4.46 The NPPF, the Solar Trade Association and BRE National Solar Centre are clear that renewable energy schemes should only be considered on land of lower agricultural quality, and preference should be given to brownfield locations and roofs, both commercial and domestic. With regard to the grazing of sheep, it would entail many years of careful management to establish a feasible pasture for sheep, and we understand from our colleagues in the South West that this rarely, if ever, takes place. Gregory Barker, Minister of State for Energy and Climate Change, whilst supporting renewable energy schemes, has said that the notion of grazing sheep on solar power installations is "fraudulent" and he would be asking developers of such schemes to refrain from this practice. (Hansard 11th July, 2013).

Efficiency/Economic Considerations

4.47 We have noted that no supporting documents have been submitted by the applicant with regard to the efficiency and output of the proposed scheme. While PVs produce electricity during daylight hours, none is generated during the night and is significantly reduced during the winter months when demand is at its highest. No technology exists in our current system for "storage" of the electricity generated during peak hours, and the Renewable Energy Foundation estimate that the overall efficiency of solar generation in this part of England is at best less than 15%. With our food security under threat and the reliance on conventional power generation barely diminished, the destruction of viable agricultural land and the damage to the countryside must be of significant material consideration. This view is again supported by the NPPF which cites "achieving a sustainable economy" as a guiding principle.

Protected Species

4.48 The applicant has confirmed the presence of Great Crested Newts on the proposed site and the critically endangered species of the Shepherd's Needle and Corn Buttercup adjacent to Marden Meadow, an SSSI site described by the Weald of Kent Protection Society as a "rare and unblemished Kent meadowland".

De-Commissioning

- 4.49 Whilst the applicant has provided details of the procedures leading to the de-commissioning of the installation after its 25 years lifespan, no details are provided on identifying to whom this responsibility falls. As with other types of development, it is very rare for the developer to be involved with the scheme once the investment has been divested. Without this clarification, there can be no assurances that the land will be returned to its former agricultural use.

The Local Community

- 4.50 On 29th July, 2013, DCLG produced new guidelines entitled "Greater Community Say On Wind Turbines And Solar Farms", which state that "The planning guidance confirms that the need for renewable energy does not automatically override the concerns of the local communities". CPRE Protect Kent has been contacted by many members who are concerned about the impacts of this application and have voiced their objections very strongly.

5.0 LOCAL REPRESENTATIONS

- 5.1 **Staplehurst Parish Council:** Objection raised.

- 5.2 Councillors voted to recommend REFUSAL of the application on the basis of contravention of MBC policy ENV28 and loss of good arable land. Councillors expressed concern about the number of amendments and protracted nature of the application and about the continuing lack of reference to plans for dismantling redundant equipment. They voted that the proposed hedge screening would impact adversely on views from Pagehurst Road.

- 5.3 **Marden Parish Council:** Objection raised.

- 5.4 Members voted for REFUSAL of permission for reasons of unacceptable visual impact on the area, the adverse environmental impact highlighted by Kent Wildlife Trust, and contravention of MBC borough-wide local plan policies ENV28 and ENV38.

- 5.5 Parish against solar power but firmly against the application because of its greenfield siting and visual impact, industrial use of agricultural land, government statements against the use of good agricultural land for such sites, potential noise and waste pollution, inconsistency with borough-wide local plan policies ENV28 and ENV38 and Core Strategy section CS5, and the precedent such consent could create.

- 5.6 Changing use from growing a single crop could have environmental benefits.

- 5.7 UK vulnerable to imported energy and a changing countryside in which some farming was clearly industrial and visual impact of the proposal was a major issue. They further asked that MBC be asked to impose the following conditions should it be minded to approve the application:

1. The fence height be limited to 2.0m and the fence be coloured brown as this would be far less noticeable in the landscape than green.
2. That the entire boundary be surrounded with a mixed native hedge – species to be as recommended by KWT – and strip of meadow plants (again species recommended by KWT) at least 6m wide. The outer edge of this should be protected

by 2m posts at 5m intervals to avoid accidental ploughing and cultivation but permit mowing once a year. This has the advantages: Will better screen the fence and solar panels.

3. Provide hedge habitat not dissimilar to the pattern that would have existed decades ago when fields were smaller.
4. Provide rough grassland “rides” which will have a lot of small mammals, reptiles, amphibians insects etc. and provide excellent hunting routes for barn owls which frequent the area and good habitat for the hares (which will also pass under the fence and the panels and be protected from buzzards by the panels)
5. Provide wildlife corridors linking the hedgerows around the edge of the existing very large single field.
6. That the applicant complies with all the recommendations of the management plan that the applicant commissioned from KWT and engage KWT on a long term monitoring contract.
7. Sheep be grazed on the site to control vegetation and that no herbicides or pesticides should be used.
8. No security lighting provided on site.
- 5.8 Concern raised about the applicant's intended use of the storage area for unsightly and uncontrolled operations, adjacent to the highway, in Open Countryside is unwelcome and unappealing.
- 5.9 Objected to the likely urbanising effects of a solar farm on the Open Countryside, and landscape and visual impact grounds. A recent appeal decision on c.127 acres of farmland in Hacheston, Suffolk is relevant to this application. In that case, the Inspector highlighted the lack of any consideration by the applicant of sequentially-preferable locations
- 5.10 **Neighbours/Interested Parties:** The Council posted site notices and a press notice and wrote to neighbours of the site. Neighbours were re-consulted when material amendments to the proposed development were received by the Council.
- 5.11 374 individual letters of objection were received in response to the various consultation exercises associated with the planning application. In some cases, several responses were received from the same people. The objections raised can be summarised as follows:
 - The site is good agricultural land and should not be lost.
 - The land has always been successfully used for agriculture.
 - Noise created by the development would be disruptive.
 - All brownfield and industrial sites should be exhausted before this site is used in the way proposed.
 - 25 years is not ‘short-term’.

- This development would mean that other sites would also be given planning permission.
- This would be a blight on the countryside.
- This development would be driven by financial gain for the applicant.
- Examples elsewhere are unattractive.
- The security fencing would be unattractive.
- The impacts on neighbouring residents would be harmful.
- There are better places for development like this.
- The application has been rushed.
- There would be an impact on employment created by the food industry.
- There could be an impact on fauna and flora.
- The area has significant landscape value.
- There would be harm to local wildlife.
- The development would be seen from miles around.
- Fear of crime would be increased.
- The landscape impact would be significant.
- The height of the substations would be too high.
- The site is opposite a SSSI.
- No schemes like this should be approved before the Council has a clear strategy.
- This is an area of outstanding natural beauty.
- Views would be spoiled.
- Houses would be devalued.
- Visitors to the area would be affected.
- The views in winter have not been properly considered.
- The applicant sets up different companies for each site.
- The decommissioning and removal needs to be considered.
- Some of the application submissions are misleading.
- Herbicides and chemicals could enter the water table.

- There could be a risk of flooding.
- There could be unexploded WW2 bombs.
- There would be a risk to aviation and birds.
- There is no relevant development plan policy.
- There would be glare.
- The countryside would be lost forever.
- Local businesses should do this work.
- The development would conflict with national and local policy and advice.
- There should be emergency service arrangements.
- The ground would be disturbed.
- An approval would conflict with other decision made elsewhere in the country.
- There would be no community benefit.
- The 'drips and drabs' approach to the application is unsatisfactory.
- The land would be lost to arable farming.
- Strimmers would be needed to control the land.
- The landscape impact would be far greater than suggested by the applicant.
- Biodiversity appears to be an afterthought.
- Work has been carried out before planning permission has been granted.
- Solar energy is inefficient.
- Inadequate concern has been given the great crested newts.
- A bond should be secured to ensure that the development is removed after the 25 year period.
- The panels would need to be cleaned in order to remain effective.
- The site would not be a suitable environment for grazing sheep.
- There would be harm to heritage assets and their setting.
- Hedgerow would take many years to reach maturity.
- The proposed landscape enhancements would be inadequate.
- What allowances are being made for the movement of badgers?

- Great crested newts have recently been found in pond 9, but no mention of them in Vogt's survey, how can that be?
- There is a lack of detail for newt proofing of the gateway into the exclusion fence.
- The working hours of 7.30/ 18.00 do not take into account newt movement after dark.
- No mention of what will happen to the wildlife when decommissioning takes place?
- The lack of need for an EU Protected Species Licence has not been adequately proved.
- There is no detailed map of the exclusion fence around the entrance to the site where it would be possible for newts to get in.
- The working hours of 7.30 – 18.00 during the winter months need to be amended due to working in the dark in the morning and evening.
- If construction period falls outside the newt hibernation period, then a new methodology for protecting newts must be proposed by the applicant.
- No provision for the passage of badgers through the security fence has been made. It is an offence to obstruct badgers' movements.
- There is no reference to an Ecological Clerk of Works checking for newts when the exclusion fence is being put in. There needs to be a methodology statement for this.

5.12 11 letters of support and 3 of no objection were received and are summarised as follows:

- The proposed development will be unobtrusive, in low-lying land remote from all but a few houses which are already well-screened by existing trees and hedges.
- Careful consideration has been given the local area and the site.
- Local carbon energy generation is desirable underlined by the recent climate change conference.
- Landscape impact would be outweighed by the benefits of the development.
- Screening would help mitigate the impacts.
- There would be ecological and biodiversity benefits.
- The development would allow diversification.
- No jobs would be lost.
- The land is of poor quality.
- The development could encourage tourism.
- Nature would thrive.

- More power would be created than the village consumes.
- The use of the site for sheep grazing would be positive.
- The impact on wildlife is likely to be positive rather than negative, providing improved habitats.

5.13 A further round of consultation was undertaken on 10th December on the submission of further Biodiversity information. Statutory, local, external and internal consultees have responded raising no further comments/objection. A further representation of support, 1 of concern and 7 further objections have been received and are summarised as follows:

- Measures outlined in the revised Biodiversity memorandum are inadequate for protection of wildlife, in particular Great Crested Newts. It assumes the work will be carried out during GCN hibernation period.
- If construction take place during the hibernation period, then working hours of 07.30 - 18.00 are unacceptable as it will be dark in the winter months when GCN are active.
- No references to what action would be taken if the night time temperature exceeds 5°C and rain.
- Erection of fences could prevent badgers access the site and possible setts. It is an offence to obstruct badgers' movements.
- There is no information regarding the newt-proofing of the entrance into the site.
- Decommissioning of the plant is not addressed to ensure a binding financial provision is set aside so that the land will revert to its original use.
- The lack of need for an EU Protected Species Licence has not been adequately proved.
- Under RAM avoidance measure 8, land around ponds 9 and 10 therefore need to be included in the hand search.
- NE must be consulted if even ONE newt is found, not six.
- There is no reference to an Ecological Clerk of Works checking for newts when the exclusion fence is being put in for which a methodology statement is required.
- No gap should be left below the fence for badgers on advice of Kent Police Crime Prevention team.
- The site is unsuitable for a solar farm and will be a blight on the landscape.

5.14 **Helen Grant MP:** No objection to the principle, however, the loss of agricultural land to solar arrays would harm the environment.

5.15 A survey of 1,000 homes in the Staplehurst Area was carried out. 129 responses were received. 72% opposed the scheme, 22% were in favour and 6% were undecided. I believe that solar power should play a central role in our transition to a low carbon economy. However, I am concerned that the loss of agricultural land to solar arrays damages that element of the environment.

- 5.16 I therefore welcome the fact that the Government now discourages landowners from constructing solar farms on the best and most versatile land, and from January 2015 has withdrawn farm subsidies from land occupied by solar farms.
- 5.17 Solar panels are best placed on the 250,000 hectares of south-facing commercial rooftops, where they will not compromise the success of our farming industry.

6.0 ASSESSMENT OF THE PLANNING APPLICATION

6.1 The main planning considerations relevant in the determination of this application are:

- The acceptability of the principle of development.
- The visual impact of the development on the landscape.
- The impact of the development on biodiversity.
- The impact of the development on heritage assets.
- The impact of the development on living conditions at neighbouring properties.
- The impact of the construction and traffic on the local highways network.
- Crime Prevention.

6.2 These matters are discussed in the detail in the following sections of this report:

Principle of Development

- 6.3 Energy use in buildings accounted for nearly half of UK carbon dioxide emissions in 2005 and more than a quarter of these came from the energy used to heat, light and run homes. The Government has set a legally binding target to reduce greenhouse gas emissions by 80% by 2050 based on 1990 levels and Government guidance for planning policy and Building Regulations reflect this target.
- 6.4 The Government's Renewable Energy Strategy was published in July 2009. This sets a legally binding target to ensure that 15% of our energy comes from renewable sources by 2020. The Strategy suggests that renewables could provide around 30% of our electricity consumption by 2020 (compared to around 5% today).
- 6.5 The National Policy Statement for Energy (EN-1) (2011), published by the Department of Energy and Climate Change sets out an overarching national policy for energy. Whilst it relates principally to those energy projects that are of national significance (this development would not fall within that category), it is material because it describes the national approach to energy provision. It states that energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy. Producing the energy the UK requires and getting it to where it is needed necessitates a significant amount of infrastructure, both large and small scale set out in paragraph 2.1.2.
- 6.6 At paragraph 2.2.8, it states that to avoid the most dangerous impacts of climate change, the increase in average global temperatures must be kept to no more than 2°C, and that means global emissions must start falling as a matter of urgency. To

drive the transition needed the Government has put in place the world's first ever legally binding framework to cut emissions by at least 80% by 2050, that will deliver emission reductions through a system of five year carbon budgets that will set a trajectory to 2050.

- 6.7 The National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011) provides further, specific advice relating to renewable energy.
- 6.8 The UK Renewable Energy Roadmap (2011) and its subsequent updates in 2012 and 2013 make clear the Government's commitment to increase the amount of renewable energy deployed in the UK. It says that this will make the UK more energy secure, will help protect consumers from fossil fuel price fluctuations, will help drive investment in new jobs and businesses in the renewable energy sector, as well as keep us on track to meet our carbon reduction objectives for the coming decades.
- 6.9 Specifically on the role that PV has to play in helping to deliver those objectives, the 2013 Update identifies it as one of the key renewable energy technologies that can help to create a balanced UK energy mix. There are significant advantages with solar PV, it says; it is versatile and scalable, with deployment possible in a wide range of locations including domestic and commercial buildings and where appropriate on the ground; solar projects can be developed and installed very quickly; and the fuel, solar radiation is free [para 179].
- 6.10 In April 2014, the then Minister for Energy and Climate Change wrote a letter to all Local Planning Authorities regarding the Government's solar PV strategy. Whilst reinforcing the drive towards renewable and solar energy, it explains that the focus should be on delivering solar energy on domestic and commercial roof space and on previously developed land. It states that there is still a place for larger-scale field-based solar in the UK's energy mix but need to be sensitively placed.
- 6.11 A Planning update dated March 2015 by the then Secretary of State for Communities and Local Government, Eric Pickles to the House of Commons stated that the National Planning Policy Framework includes strong protection for the natural and historic environment and is quite clear that local councils when considering development proposals should take into account the economic and other benefits of the best and most versatile agricultural land. Yet, some local communities have genuine concerns that when it comes to solar farms insufficient weight has been given to these protections and the benefits of high quality agricultural land. As the solar strategy noted, public acceptability for solar energy is being eroded by the public response to large-scale solar farms which have sometimes been sited insensitively.
- 6.12 It goes on to set out that meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. When the Government published new planning guidance in support of the framework, they set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality.
- 6.13 The National Planning Policy Framework (NPPF) sets out an approach that is proactive towards renewable energy developments, is clearly supportive of proposals which generate renewable energy and it recognises the role which planning must

play if the reduction in greenhouse gas emissions and renewable energy targets are to be met.

- 6.14 Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. In considering the issue of sustainability the NPPF requires due regard to be had to the three dimensions of sustainable development: economic, social and environmental. An economic role contributes to building a strong responsive and competitive economy including the provision of infrastructure; a social role relates to supporting strong, vibrant and healthy communities; and an environmental role by contributing to protecting and enhancing the natural, built and historic environment, and mitigating and adapting to climate change by moving to a low carbon economy.
- 6.15 In terms of the social aspect, the development would provide a sustainable source of energy for communities into the future. In terms of the economy, the development could be seen as a farm or farm diversification, providing both additional income and economic investment into the wider infrastructure enhancement whilst providing job opportunities during its construction and operational phase. In terms of environmental it is considered that the development would not have a significant impact on the wider landscape, and in promoting a major renewable energy source, would help to mitigate the impact of climate change and contribute to a low carbon economy. The application of the presumption in favour of sustainable development is addressed in the conclusion section.
- 6.16 Paragraph 93 indicates that planning plays a key role in helping to secure radical reductions in greenhouse gas emissions and providing resilience to the impacts of climate change. Paragraph 98 states that local authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy. It goes on to state that applications for renewable energy should be approved if impacts are, or can be, made acceptable.
- 6.17 Paragraph 112 states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
- 6.18 The NPPF also, as one of its core principles advises that local authorities should proactively drive and support sustainable economic development to deliver, amongst other things, infrastructure. In paragraph 19, it also indicates that the planning system should do everything it can to support sustainable economic growth and significant weight should be placed on the need to support economic growth through the planning system. In terms of supporting a prosperous rural economy local plans should promote the diversification of agricultural rural businesses.
- 6.19 The National Planning Policy Guidance states that particular factors a local planning authority will need to consider in relation to solar farms include:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
 - where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued

agricultural use where applicable and/or encourages biodiversity improvements around arrays.

- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.
- 6.20 The Councils Supplementary Planning Policy Advice note dated January 2014 relating to Domestic and Medium Scale Solar PV arrays up to 50kw sets out that medium sized stand alone or ground mounted solar PV installations should ideally utilise previously developed land, contaminated land, industrial land or brownfield sites and should avoid landscapes 'designated' for their natural beauty and/ or sites of acknowledged/recognised ecological/archaeological importance/interest.
- 6.21 Saved Policy ENV28 of the Maidstone Borough Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the character and appearance of the area and development will be confined to a range of development types that do not include renewable energy projects.(mainly because these were not prevalent at the time of adoption in 2000). There are no saved policies that relate specifically to solar energy in the Plan. Policy ENV28 is not entirely consistent with the policies contained within the NPPF because the former does not allow for solar farms in the countryside whereas the latter does, in certain circumstances. This reduces the weight that should be given to any conflict identified with saved Policy ENV28.
- 6.22 Policy DM3 of the Emerging Maidstone Borough Plan (renewable and local carbon energy schemes) provides general support for renewable energy development, subject to compliance with various criteria.(with an acceptance that "parts of the natural landscape features and resources mean that there is a technical suitability for such schemes" - para 11.8 in the pre-amble). The Local Plan is emerging and is moving towards Regulation 19 stage (at the time of writing this report) and therefore is carrying more weight, but cannot be afforded full weight.
- 6.23 The application site is greenfield land, in agricultural use but is not a designated site of natural beauty or designated ecological or archaeological importance. However, this on its own does not automatically make the principle of development acceptable. An assessment has been carried out by the applicant in to the availability of other more suitable/appropriate sites in the Borough and the quality of the application site as agricultural land. The conclusion is that there are no other suitable/available sites of a similar size in an appropriate location and that the application site comprises land falling within Grade 3b as set out by the Ministry of Agriculture, Fisheries and Food Guidelines for Agricultural Land Classification (1988). As such, it is considered that the site is appropriate for the proposed development.
- 6.24 In addition, agriculture would continue at the site, albeit at a much reduced intensity and there would be biodiversity improvements that are described later in this report. The development would be temporary (although not short term) and a planning condition could ensure that the development was removed at the end of a 25 year period.
- 6.25 In October 2013 the applicant submitted a screening opinion request to the Council. It was considered that, having assessed all the submitted information and having regard to Schedules 2 and 3 of the 2011 EIA Regulations, the proposal would not have significant effects on the environment by virtue of its nature, size or location and therefore an Environmental Impact Assessment would not be required. During the

course of the current application, it was considered that further screening opinion was necessary based on the up to date plans and documentation to address ecology and heritage issues and the cumulative impact with other proposed solar farms situated close by. This was adopted and issued on 27th January 2016 concluding that an Environmental Impact Assessment was not required for the similar reasons set out previously.

- 6.26 Overall having considered the matters set out above and the applicant's submission the view is that there is no in principle reason why the site should not be suitable for development as a solar farm. However, it is necessary to analyse detailed impacts and these are set out below.

Agricultural Land Classification

- 6.27 The National Planning Policy Framework (2012) requires the presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the agricultural land classification) to be taken into account alongside other sustainability considerations. The framework expresses a preference for development to be directed to land outside of this classification (3b, 4 and 5).
- 6.28 A number of local representations have been received highlighting that no Sequential Assessment has been carried out to determine whether there are more appropriate sites for the proposed development. That position is, perhaps, a consequence of an appeal decision relating to a site in Suffolk (APP/D3505/A/13/2204846) where an Inspector found that the NPPF and the NPPG did result in the need for a successful Sequential Test before a greenfield, agricultural site could be considered as acceptable in principle.
- 6.29 The applicant has submitted a document titled Statement on the Discounting of Previously Developed Land and the Use of Agricultural Land for a Solar Farm together with a subsequent addendum to that report. In it, the applicant cites a number of more recent, relevant appeal decisions where Inspectors took a different approach to that taken in Suffolk and did not consider that a sequential approach was required. Some of these directly discounted the approach taken by the Inspector in Suffolk.
- 6.30 The NPPF and NPPG do require sequential assessments for other types of development such as retail uses proposed outside of shopping areas, or where vulnerable uses are proposed in areas at risk of flooding. In those cases, the requirement is explicit and the methodology is clearly described. That is not the case here. If a sequential approach to site selection was required, the Framework and/or the Practice Guidance would be clear about that but it is not.
- 6.31 The applicant is required to demonstrate that the use of agricultural land is necessary, which is a different and less onerous test. The reasons provided for the use of agricultural land are that the site needs to be commensurate with the available grid offer in order to make full use of scarce grid capacity. The site is in very close proximity to available grid capacity (the wire runs across the site) and the NPPG states that considerations for particular renewable energy technologies that can affect their siting include proximity of grid capacity [ID5-006-20140306]. Roof top solar provision is difficult to realise, less efficient and cannot make the same scale of contribution towards renewable energy targets. There are no rooftops within a 6km radius of the site that could accommodate anything like the number of panels being proposed at this site.

- 6.32 Derelict brownfield sites can carry significant demolition and/or remediation costs that can render schemes unviable. According to the most recent Office of National Statistics from the National Land Use Database (2010) shows that there were 11 vacant, previously developed sites in Maidstone of which eight of these had planning permission for housing, schools or a mix of uses and so would not be available. Two of the remaining three were below 1ha in size and so would be unsuitable for a solar farm. The remaining site (the former Syngenta site at Hampstead Lane, Yalding) is now allocated in the emerging Local Plan and would also be unavailable.
- 6.33 Sites discounted from the emerging Plan are either too small for a solar farm or would also be greenfield. It is also material that the application site is large (the solar arrays alone require a site of around 20ha). It is much less likely that there would be available brownfield sites able to accommodate a development of that scale.
- 6.34 It is widely recognised that diversification has become a necessity for many farm businesses to survive and prosper in a world of widely fluctuating world commodity prices and ever increasing production costs. The quality of the site for agriculture makes the site more exposed to such fluctuations. Seven people rely on the farm for their income and the proposal would provide a stable source of income.
- 6.35 Having reviewed the applicant's submissions, it is concluded that a combination of the good relationship between the site and grid capacity, the lack of available brownfield or non-agricultural sites and the benefits associated with allowing the farm to diversify, particularly given the vulnerability of the clay based application site to wet weather satisfactorily demonstrate that the use of greenfield, agricultural land for the development is appropriate in this case. Consequently, it is necessary to determine the quality of the agricultural land. An assessment has been carried out by the applicant in to the quality of the application site as agricultural land. It found that the site comprises land falling within Grade 3b as set out by the Ministry of Agriculture, Fisheries and Food Guidelines for Agricultural Land Classification (1988). This is a result of the vulnerability of the site to wet weather, the variable depth of top soils across the site and the presence of areas where the upper soil is absent and the topsoil sits directly on clay. The Council's independent consultant has scrutinised the submitted assessment and agrees that Grade 3b is the appropriate classification for this site and thus does not constitute Best and Most Versatile Land (BMV) (where grades 1, 2 and 3a are). As such, it is considered that the site does not constitute the 'higher quality' land that planning policy seeks to protect.
- 6.36 It is therefore considered that the applicant has made a sustainable case that a rural location is required due to land area requirements, lack of suitable brownfield sites, grid capacity, agricultural land classification, and technical and commercial feasibility. The application site, therefore, is considered suitable for the proposed development.

Biodiversity Impact

- 6.37 The Conservation of Habitat and Species Regulations 2010 (as amended) contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.

- 6.38 The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the “three tests” under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
- There are “imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”;
 - there is no satisfactory alternative; and
 - the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range
- 6.39 The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England. The fact that Natural England is not objecting to the application is not determinative of this issue as Natural England has referred to its generic Standing Advice for protected species.
- 6.40 Section 40 of the Natural Environment and Rural Communities Act (2006) states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.
- 6.41 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environmental by minimising the impacts on biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are most resilient to current and future pressures.
- 6.42 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity, Where development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or compensated for, then planning permission should be refused. Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted. Opportunities to incorporate biodiversity in and around developments should be encouraged.
- 6.43 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources. Saved Policy ENV41 states that development will not be permitted which would lead to the loss of ponds, or which would harm their visual and wildlife functions.
- 6.44 The site benefits from quite extensive biodiversity, including Great Crested Newts and a development of this scale clearly has the potential to cause quite significant harm to plant and animal species at the site. In order for the development to be

acceptable in biodiversity terms, the development should not cause unacceptable harm to biodiversity and would need to ensure that opportunities to incorporate and enhance biodiversity at the site had been taken advantage of.

6.45 The applicant instructed the Kent Wildlife Trust to prepare an Ecological Appraisal and Outline Enhancement and Management Plan on their behalf. In the Trust's view, the Appraisal and Enhancement/Management Plan ensures that the land is managed to achieve the best prospects for the continuation of botanical interest (in particular, arable plant species) in the northern part of the site and for the significant enhancement of biodiversity across the whole of the site. The following measures are proposed:

- Arable management to maintain populations of notable arable flora
- Grassland establishment/management
- Hedgerow enhancements
- Bat, bird and insect boxes, stag beetle buckets, hedgehog homes, log piles, wooden planks under solar panels and GCN enhancements.
- Provision of wildflower planting around the site and new hedgerows.
- Monitoring of the successfulness of the various measures proposed.

6.46 The implementation of that plan would be secured by way of a planning condition.

Great Crested Newts:

6.47 Natural England has directed the Local Planning Authority towards its Standing Advice on protected species, which is material in the assessment of this application. Due weight has been given to it.

6.48 A Great Crested Newt survey has been carried out on the majority of ponds within 300 meters of the site boundary and recorded GCN within 6 of the 19 ponds surveyed. The results of the survey confirms that GCN have been recorded within the ponds to the North, West and South of the site – including ponds 1 and 2 which are within 50 metres of the proposed development site. There are at least two meta-populations of GCN. A population to the south of the development site (incorporating ponds 1 and 5) and a population to the north of the development site (incorporating ponds 2, 4, 10 and 14).

6.49 The survey results suggest that there is a medium population of GCN in the north and a small population in the south. The numbers of newts within ponds can fluctuate considerably from year to year and this is highlighted by the fact that in a previous survey in 2013 a high population of GCN were recorded in pond 9. The County Ecologist is satisfied with the results of the GCN surveys.

6.50 A local resident has alerted the Council to the fact that a survey at a nearby site found different results. The County Ecologist is satisfied that those findings do not alter overall conclusions or recommendations.

6.51 The site is an arable field and does not provide optimum GCN habitat however GCN are known to commute and (if suitable features available) shelter within arable fields.

As such the impact on the GCN population must be considered by the determining authority when granting planning permission.

- 6.52 GCN are more likely to commute between ponds within a meta-population area. However as detailed within the Great Crested Newt Conservation Handbook GCN are known to disperse and colonise ponds over 1000metres away (from existing ponds) therefore it is possible that there will be GCN movement out with these meta population areas (and therefore throughout the proposed development site.)
- 6.53 The applicants have provided the following information detail why they are satisfied that it is unlikely that the field (in its current condition) is used by resting/hibernating GCN:
- 6.54 In the last few years the field has not been ploughed and is therefore relatively flat and compressed through the action of agricultural machinery; instead the field is 'direct-drilled' – a method of dropping the seeds of the next crop into a narrow cut in the ground without turning over the soil. Consequently, there are no crevices or hiding or resting or sheltering places in which GCNs could live. As detailed within our previous responses it is the construction of the proposed development that is likely to have the greatest impact on GCN.
- 6.55 Therefore, to avoid impacting upon GCN, the applicant is proposing to carry out the construction work over a 12 week period during the hibernation period (approximately beginning of November to end of February) using a precautionary mitigation strategy which includes the following:
- A suitably qualified and licensed Ecologist Clerk of Works to search the entire site if the night time temperature was above 5oC and was raining.
 - Stopping work on site (until the following hibernation period) if construction goes beyond the hibernation period.
- 6.56 With regards construction extending beyond the GCN hibernation period,the KCC Ecologist recommends a condition to secure that work ceases until a revised mitigation strategy is submitted and approved In the case of work commencing outside the hibernation period, a condition is recommended requiring a revised mitigation strategy to be submitted for approval prior to commencement.
- 6.57 With regard to the construction work, the applicant has provided information detailing why they feel it is unlikely that GCN will be hibernating on site. Therefore, the greatest risk would be GCN moving on to site during the construction period and finding suitable sheltering habitat (established during the construction period). As such the erection of a temporary exclusion fence would be desirable as it would temporarily restrict access during construction if the weather conditions were suitable or construction extended in to the active period. The applicant has provided the following additional information detailing why they are satisfied that the use of an exclusion fence is appropriate in this situation:
- 6.58 The construction works would be carried out at the time when GCNs are in hibernation, and the fence would not enclose any hedgerows or ponds where they might be hibernating. GCNs will be in the hedgerows and around the ponds during hibernation, not within the flat field that has no refuge areas and is sub-optimal. The area enclosed by the fence would be outside the optimal GCN habitats..

- 6.59 A map has been submitted detailing that a GCN exclusion fence would be erected around the boundary of the security fencing – however the map does not demonstrate how the fence will be erected around the site entrance (to prevent GCN entering the site). The applicants Ecologist memo dated 6 January proposes to attach a plastic cover to the gate to prevent GCN entering the site. However, the KCC Ecologist considers that this is not sufficient and unlikely to prevent GCN from accessing the site. As such, a detailed map showing the fencing around the entrance would be required by a planning condition in the event of an approval together with a GCN monitoring strategy.
- 6.60 In addition, the erection of the security fence and exclusion fencing has not been included within the method statement. If planning permission is granted, a condition is recommended requiring a method statement to be submitted detailing how the works will avoid impacting GCN during the erection of the security and exclusion fence and removal of the exclusion fencing and during the construction of the internal construction road. In addition, a condition is recommended requiring the submission and approval of a monitoring strategy to be implemented for the lifetime of the development.
- 6.61 One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.
- 6.62 The applicant is proposing to create a wild flower meadow during the construction phase therefore, if granted, it is likely the development will result in an increase in GCN foraging habitat. As such, a detailed management plan of the grassland and ponds would be required and in the event of an approval, would be required by way of a planning condition. The management plan would need to cover the lifetime of the development.
- 6.63 The proposed development is intended to last for 25 years and during its life time, the applicant is proposing to enhance the proposed development site. As such it is likely that the decommissioning of the development will have an impact on the GCN population. If planning permission is granted a condition requiring the following measures would be required prior to any decommissioning works being implemented:
- Ecological scoping survey
 - Recommended specific species surveys
 - Detailed mitigation strategies.
- 6.64 A memorandum dated 6 January 2016 was submitted by the applicant detailing various issues relating to the development at GCNs raised by local residents. An additional consultation was carried out and responses received to that consultation have not altered the view of the county Ecologist on biodiversity issues.
- 6.65 Natural England has not objected to the application.
- 6.66 Local residents have commissioned an expert ecologist to carry out an alternative assessment of biodiversity at the site. This, together with various subsequently submitted reports and rebuttals have been carefully considered by the Local Planning Authority and the County Biodiversity Officer. The County specialist is satisfied that subject to the various measures described in this report being controlled by planning conditions, no unmitigated harm would be caused to local biodiversity, including

GCNs, and that opportunities to enhance local biodiversity at the site would be appropriately taken up. As such, this aspect of the development would be acceptable.

- 6.67 Overall it is considered that subject to conditions, the proposed development would have a negligible impact on the wider nature conservation importance of the site, that mitigation measures would enhance and improve the ecological value of the site, increasing biodiversity by improving habitat and increasing foraging potential.

Landscape and Visual Impact

- 6.68 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.

- 6.69 The NPPG acknowledges that the deployment of 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.

- 6.70 The Council Planning Policy Advice Note 2014 relating to medium scale solar farms states that the landscape/visual impact of a solar PV park is likely to be one of the most significant impacts of such a development. It sets out that the issues that should be considered which include the following:

- the proposal's visual impact, the effect on landscape, glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the need for, and impact of, security measures such as lights and fencing;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;

- 6.71 Saved Policy ENV6 of the Maidstone Borough-Wide Local Plan (2000) states that in appropriate cases, the Borough Council will require a landscape scheme, including surfacing and boundary treatments, to be carried out as part of development proposals. Where required, such schemes should:

- Incorporate the retention of existing trees, woodlands, hedgerows, natural and man-made features which contribute to the landscape character or quality of the area; and
- Provide a scheme of new planting of trees, hedgerows or shrubs as appropriate, using native or near native tree species, and wherever possible, native or near native shrub species.

- 6.72 Saved Policy ENV28 states that in the countryside, planning permission will not be given for development which harms the character and appearance of the area and development will be confined to a range of development types that do not include renewable energy projects (as at the time of adoption of the 2000 Local Plan to the

plan period -2006, renewable energy projects were not high on the planning agenda). There are no saved policies that relate specifically to solar energy in the Plan. Policy ENV28 is not entirely consistent with the policies contained within the NPPF because the former does not allow for solar farms in the countryside whereas the latter does in certain circumstances. This reduces the weight that should be given to any conflict identified with saved Policy ENV28.

- 6.73 The Maidstone Landscape Character Assessment (2012) designates the site as falling within Landscape Area 44 (Staplehurst Low Weald). It describes the area's sensitivity as follows:

Overall, the typical characteristics of the Low Weald landscape provide a strong sense of place. Very distinct elements include the frequency of mature oak trees within hedgerows and pasture, the verges, infrequent small woodland blocks, hedgerow and ditch lined lanes, field ponds, and scattered farmsteads and hamlets. Visibility is moderate. Whilst there are occasionally some long views to the Greensand Ridge to the north and the High Weald to the south, intervening vegetation encloses many immediate views across the gently undulating landform, except where arableisation and hedgerow removal has created a more open landscape.

- 6.74 The Landscape Character Area, taken as whole is described as having a good condition, a high sensitivity and moderate visibility.

- 6.75 The Maidstone Landscape Capacity Study: Sensitivity Assessment (2015) reaffirms that the area in general has high landscape sensitivity and a moderate visual sensitivity. As guidelines and mitigation it suggests (amongst other suggestions) that new development should respect the local vernacular in scale, density and materials.

- 6.76 The applicant has submitted a Landscape and Visual Impact Assessment with the planning application. It seeks to:

Specifically explore the issues of the level of harm to landscape character and potential impacts on the amenity of surrounding occupiers (visual impacts) by firstly seeking to analyse the potential effects of the development on the landscape character of the area, and secondly by assessing whether the development will cause significant visual harm. These are two subtly different issues. Landscape character is a quality which is of significance in its own right, whether it is visible from the public domain or not, whereas visual impacts relate specifically to public views and viewpoints [para 1.5].

- 6.77 The site is described as being broadly level and gently undulating agricultural land with woodlands, hedgerows and streams. Views into the site are limited, but that they do exist, particularly from the existing access to the site from Marden Road and from several properties surrounding the site also have views towards it particularly from Widdershins Cottage to the south east of the site and Park Cottage, Park Road to the west. Further afield and within the wider landscape, it is not anticipated there being any significant views into the site. Principal views into the site are from the gateways on Marden Road and Pagehurst Road and people would see into the site from cars on these roads.

- 6.78 The visual impact of the development would be significant during construction and dismantling when a storage area at the front of the site would be used temporarily.

- 6.79 The LVIA concludes that there would be a moderate overall level of negative landscape character impact. There would be a medium to low level adverse visual effect on views and receptors but the mitigation works will help to reduce the longer term visual effects through a combination of screening the site from adjoining lanes by hedgerow planting and increasing the height of the existing hedgerows and providing a combination of establishing herb rich grassland, new hedgerows and fruit trees which will provide ecological and landscape enhancements.
- 6.80 In response, local residents commissioned an alternative LVIA. This report criticised the applicant's submission for a number of reasons, including its methodology and conclusions. It sets out that the adverse landscape effect would be major (rather than moderate, as described by the applicant) and that there would be an overall key significant adverse visual effect (as opposed to medium to low).
- 6.81 Both the applicant's and the local objectors' expert consultants subsequently provided detailed commentary on one another's reports. It is clear that there are significant differences in the approach taken and the conclusions reached and these are highly unlikely to be resolved. The Council's Landscape Officer is of the opinion that whilst relevant points are made in both reports, that provided by the applicant provides a more accurate representation of the likely harm caused by the development.
- 6.82 During the period this application has been considered, an application for a solar has been submitted at Widehurst Farm, approximately 1km to the west of the application site around the village of Marden for the construction of a solar farm to include installation of solar panels to generate up to 5MW. Due to the proximity of this application to the Pagehurst application, the issue of cumulative impact has been raised. However, it is considered that due to the distance between the sites and the inability to view the sites together from a fixed vantage point without the need for an observer to turn their head, it is considered that if both applications were approved, there would be no cumulative visual impact on the landscape. Planning Practice Guidance states that in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero. Screening mitigation is proposed for the proposed development to minimise any visual impact on the landscape, its character and visual amenity.
- 6.83 Screening opinions have been sought for solar farms on Riverfield Farm located on the north side of the A229 around 2.3km north of Staplehurst and at Faracre Farm, Goudhurst Road, approximately 1km to the south west of Marden. However, these have not materialised into submitted planning applications and thus cannot be taken into consideration as they may never come forward as applications.

Landscape mitigation

- 6.84 Both the assessments of the visual impacts of the development take in to account the range of mitigation measures proposed by the applicant. These have been significantly increased throughout the course of the planning application process and now comprise:
- A timber gate across the Marden Road entrance after the construction phase.
 - Planting around the Marden Road entrance to narrow views of the development from the north.

- Hedge and tree planting around the development area at the centre of the site and along Pagehurst Road.
- Filling gaps in existing hedgerow on Park Road and Pagehurst Road.
- Block planting in two locations along Marden Road.

6.85 A number of local residents have questioned the successfulness of some of the proposed planting species given that they would be bare in the winter months. Species proposed include Hawthorn, Hazel, Holly, Blackthorn, Guelder Rose, Field Maple and White Willow. The applicant contends that the screening would provide immediate mitigation that would increase in effectiveness over a ten year period as the trees, shrubs and hedgerows mature. The respective specialists disagree about how successful that planting would be in mitigating any impacts of the development.

6.86 In consultation with the Council's Landscape Officer, it is considered that even though the proposed planting species would be appropriate for the site and indigenous to the area in accordance with the Council's Landscape Guidelines, it is considered that the proposed species mix within the hedgerows would not provide an appropriate screening function from the outset of the development and all year round due to the lack of evergreen species. As such it is considered that a condition is necessary requiring the submission of an amended hedgerow species mix prior to commencement of development to include a proportion of evergreen shrubs (Holly) and species which retain their leaves for a large proportion of the year (Hornbeam) to maximise the screening effect without compromising existing landscape character. It is recommended that the sizes specified are slightly larger than would normally be specified in the context of the Council's Landscape Guidelines, to ensure a more immediate impact, but the successful establishment of these hedgerows will be dependent upon appropriate ground preparation and maintenance regime. The submitted details should also include implementation details and a long term management plan which extends up to and beyond the period of reinstatement once the solar farm ceases to function.

6.87 The proposed planting specification is as follows:

Hedgerow shrubs (90-120cm whips or equivalent):

Carpinus betulus (Hornbeam) 30%
Crataegus monogyna (Hawthorn) 10%
Corylus avellana (Hazel) 35%
Euonymus europaeus (Spindle) 5%
Ilex aquifolium (Holly) 15%
Salix caprea (Sallow) 5%

Hedgerow standard trees (Nursery standard size, 8-10cm, 2.7-3m):

Sorbus torminalis (Wild Service Tree) 5%
Quercus robur (Oak) 95%

Trees in Hedges 5, 6 and 7 (Nursery standard size, 8-10cm, 2.7-3m):

Acer campestre (Field Maple) }
Salix alba (White Willow) } specify numbers
Sorbus torminalis (Wild Service Tree) - least common species }
Quercus robur (Oak)- predominant species }

6.88 Hedgerows shall be planted in double or triple rows in groups of species. Plants shall be approximately 45cm apart in staggered rows which are 30cm apart. Hedgerow

standard trees shall be planted at irregular intervals individually or in small groups as appropriate to reflect the landscape character.

Summary and conclusions

- 6.89 The Council's Landscape Capacity Study Sensitivity Assessment (2015) describes the overall landscape sensitivity of the Staplehurst Low Weald as High. The area it describes is much larger than the application site and it may be that the sensitivity of this site is lower than that across the character area as a whole, but there seems no obvious reason why that might be the case, but for the fact that traditional field boundaries seem to have been removed in the past.
- 6.90 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. However, it is concluded that the applicant's LVIA is reasonably robust and the overall negative impact on the landscape character would be moderate.
- 6.91 The visual harm caused by the development would clearly be far greater during construction and dismantling and during the early years after construction and overall should be considered moderate at least (as opposed to medium/low as stated by the applicants LVIA), even with the various and extensive mitigation measures.
- 6.92 Having carefully reviewed both submitted reports, the rebuttals and the scheme as a whole, it is considered that the overall adverse impact on the landscape character would likely be moderate overall and that the adverse visual effect on views towards the site from surrounding houses, roads and elevated vantage points would also likely be moderate overall. Harm would peak during construction and decommissioning and would lessen over time as the mitigation planting matures.
- 6.93 The proposed planting and screening would be significant and would likely mitigate a large amount of the visual harm caused by the development and the benefit of that planting would proliferate over time. Views from upper floor neighbouring residential windows of the site would not be likely to benefit significantly from that planting in the short term, particularly given the scale of the developable area and the height of the fencing and the various structures that would be required to support the development. However, a condition requiring full details of the hedge planting, trees and species mix to the boundaries, specifically hedge 5 to the east and hedges 6 and 7 the west, initially to as mature a size as possible, will endeavour to screen the development to a certain extent in the early years and completely after 5 to 10 years. A management and maintenance plan would be required by condition to ensure their growth and any trees, hedges or shrubs that die within the first 10 years to be replaced in the next available planting season.
- 6.94 As a result, there would be some conflicts with the various national and local policies and guidelines that seek to protect landscape character and visual amenity and they have been set out elsewhere in this report. These conflicts would be reflected in planning harm and this constitutes a material planning consideration that weighs against the development in the planning balance.

Impact on Heritage Assets

- 6.95 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. Such special regard has been paid in the assessment of this planning application.

6.96 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.97 Paragraph 132 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

6.98 Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

6.99 Paragraph 134 states that where a development proposal 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, including securing its optimum viable use.

6.100 The NPPG states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm

within the setting of a heritage asset may cause substantial harm to the significance of the asset.

Listed buildings

- 6.101 The planning application is accompanied by a comprehensive archaeological desk based assessment which considers the potential impact of the scheme on both below-ground archaeology and standing remains including listed buildings and other non-designated heritage assets. This study established a theoretical Zone of Visual Influence but then refined this by way of a site visit to identify where inter-visibility between the site and heritage assets actually exists. The Council's Conservation Officer undertook a similar visit to verify that the reported findings were correct and found that they were.
- 6.102 The closest designated heritage assets to the site are the Grade II listed Mountain Farmhouse and Mountain Barn which lie to the west of the site. These are both now residential properties and lie within fairly well enclosed gardens with boundary screening. The archaeological assessment identifies that the proposals could have some adverse impact on the setting of these listed buildings but that this would be minor in nature and would constitute less than substantial harm to their significance, and that this harm could be mitigated by substantial boundary planting to the northern and western boundaries of the development site. I concur with this view. This 'less than substantial harm' has been considered in the planning balance in the conclusion and has been weighed against public benefits of the proposal.
- 6.103 Two other listed buildings, Great Pagehurst and an adjacent barn now in residential use, lie a little further distant from the site in an easterly direction. Topography and the intervention of other buildings and woodland mean that there should be no intervisibility between the development and these heritage assets, and there is therefore unlikely to be any impact on their settings.
- 6.104 A number of other listed buildings in the vicinity will not share intervisibility with the development. The Council's Conservation Officer is satisfied that subject to landscape screening being controlled by way of a condition, there would be no harm caused by the development to listed buildings, conservation areas or their settings. I concur with this view.

Archaeology

- 6.105 The site contains possibly two known heritage assets: there is evidence of Iron Age/Romano-British industrial activity in the northern area (HER No: TQ 75 SE 147); and to the south there may be a WWII aircraft crash site. The full extent and location of these sites is not currently clear and further associated remains may survive within the site.
- 6.106 The County Archaeologist has been consulted and agrees with the findings of the submitted report. Based on current information, there seem to be no major impacts on the archaeological resource. There is a need to confirm the location of the WWII aircraft crash site and if located on the site, disturbance of this sensitive site should be avoided. There is potential for archaeological remains to survive on site and as such, conditions are recommended that would secure an archaeological scheme of investigation and details of foundations design.

- 6.107 Subject to planning conditions, there would be no material harm caused to heritage assets at or around the site. This has no impact on the overall planning balance.

Impact on Surrounding Residential Amenity

- 6.108 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.109 Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 6.110 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 6.111 There are two key matters relating to the impact of the development on living conditions at neighbouring properties, and these are set out below:

Noise

- 6.112 The applicant has set out that:

A PV solar farm has no moving parts. The only noise generating equipment on site is the transformer/inverter stations and the substations, which emit a very low hum when in operation. No noise is emitted after dark as the invertors only work during day light hours.

This noise is approximately equivalent to air conditioning units. The noise diminishes dramatically with distance. At a distance of 200m, the noise would not be audible to the human ear.

- 6.113 The nearest transformer/inverter stations to residential property would be approximately 300 metres away at the south east corner of the site and thus would not be audible from residential properties surrounding the site.
- 6.114 The Council's Environmental Health Team are satisfied that noise is unlikely to be problematic, but consider that conditions controlling noise should be attached to any planning permission to ensure that no harm was caused to nearby neighbours of the site.
- 6.115 Noise from the construction works is a consequence of development and thus a condition is recommended limiting work between 0730 and 1800 Monday to Friday and 0800 and 1300 on Saturdays.

Glint and glare

- 6.116 The applicant's report sets out that:

PV modules are designed to absorb, not reflect sunlight. The more sunlight they absorb, the more efficient they become. PV modules are constructed from specially-treated low-iron glass, designed to minimise reflection and maximise transition of light through the glass. Standard low-iron glass reflects approximately 7% of light. The glass used in solar PV systems reflects approximately 2% of the light.

The glass used in PV modules has a lower reflectivity than grass, woodland and crops.

Sunlight will be reflected upwards, not in the direction of any observers at ground level. An observer would need to be at a high level, for example in a tall building or in an aircraft to be in a position where glint and glare might be experienced. People on the ground cannot be exposed to solar reflections from PV modules.

There is no evidence to suggest that PV modules cause a hazard to aircraft.

6.117 The Council's Environmental Health Team are satisfied that no significant harm would be caused to living conditions at neighbouring living conditions by glint and glare associated with the proposed development.

6.118 Subject to planning conditions, no serious harm would be caused to living conditions at neighbouring properties and this aspect of the development would be acceptable and compliant with relevant planning policies and guidelines.

Highways Impact

6.119 Paragraph 32 of the NPPF states that all development that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.120 The applicant has submitted a Transport Statement, which sets out that:

- Delivery vehicles will be coming from Europe, via Dover. The suggested route to the site is via the M20, leaving at Junction 8 then taking the A229 into Staplehurst before turning west on to Marden Road and then entering the site.
- The existing field access to the site would be widened to 6 metres during the construction period and reduced to 3 metres after construction.
- The majority of HGVs arriving at the site will be articulated lorries of up to 40 tonnes.
- A mobile crane will be required during construction, which is expected to be on-site for 12 weeks.
- HGVs could be managed so as to avoid peak hours.
- Hours of construction would be 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. No noisy work, piling or traffic movements would occur on Sundays.

- During the course of construction, 485 HGVs would access the site resulting in a total of 970 movements.
- There would likely be around 35 workers (a maximum of 50) at the site at any one time. They would stay locally, would not have their own transport and would travel to and from the site by private bus or shared hire cars.
- Once the site was operational, visits to it would be limited to occasional maintenance and monitoring work.
- Visibility splays would meet those required, when taking in to account actual speeds travelled along Marden Road, that were established by a traffic survey.
- One 'slight' accident has been recorded on Marden Road in the three years before the report was drafted.

6.121 A Construction Traffic Management Plan has also been submitted, which, for the most part repeats information set out in the Transport Statement. It also describes how the temporary storage area would be used during construction and that it would be returned to grass once construction would be completed.

6.122 The County Highways Engineer has reviewed all of the information submitted. They highlight that the applicant will need to enter into a Section 278 agreement with the Highways Authority.

- They are of the opinion that the highways impacts of the development would be acceptable subject to planning conditions securing:
 - Limits of staff traffic to and from the site.
 - Construction vehicle visits to the site outside of peak hours and hours of darkness.
 - Provision of wheel washing or road sweeping facilities prior to commencement of work on site and for the duration of construction.
 - The proposal to use a banks man or operative to assist movements to and from the site for health and safety reasons during construction is helpful.

6.123 On that basis, subject to conditions, the proposed development would not have a significant highways impact on local roads, traffic, amenity and ecology. That is not to say that they wouldn't be noticeable or even disruptive to those living in the area, but the NPPF sets a high test and requires highways impacts to be 'severe' before a decision maker can justifiably withhold planning permission on those grounds. It is considered that the potential impacts of the proposed development would not amount to 'severe'.

Flood Risk and Drainage

6.124 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk.

6.125 The applicant has submitted a Stage 1 Flood Risk Assessment Report. It concludes that:

The site falls within Flood Zone 1. The only significant risk to the site would appear to be from surface water flooding. The existing site comprises 100% agricultural (permeable) area with a field drainage system in place, the proposed development would comprise solar panels. The panels would be arranged in rows and would be elevated above ground level by supports that would be fixed to the ground. As such, there would be no loss of existing permeable ground either beneath or adjacent to the solar array across the site.

During rainfall events, runoff would be shed from the angled panels to the permeable surface below, where it would be absorbed by the existing land drainage network.

6.126 The report proposes the provision of additional storage through SUDs on site to help existing drainage issues in the locality. These would be linear stone filled trenches adjacent to the internal access routes. This would offer an additional storm water storage facility, would intercept and slow storm water at regular intervals, allowing more water to soak in to the ground and would assist in reducing the amount of runoff entering the ditches or watercourses. A condition, requiring full details of this scheme and its implementation would be attached in the event of an approval.

6.127 The Environment Agency has offered no objection to the development, which would not increase the risk of flooding and would be acceptable in this regard.

Crime Prevention

6.128 A development like that proposed would clearly include a number of high value components and is relatively exposed. Kent Police has been consulted and have confirmed that such sites may attract unwanted attention from metal thieves and/or become targets for vandalism and criminal damage.

6.129 They have advised that the following crime prevention measures should be considered by the developer:

- The site should be fully enclosed within a minimum 2m security fencing system (or higher). It is however, important that the gap between the base of any fencing and the ground is minimal, so that any equipment, such as the PV panels themselves or copper cabling, cannot be easily passed underneath by thieves.
- Additional defensive planting of natural hedging can also be considered around the boundary as an added layer of security.
- All inverter, substation, transformer and control buildings/cabinets should be fully alarmed with a monitored system and covered by CCTV.
- Appropriate security locks and devices should be installed on all equipment cabinets and associated buildings. Locking device screws/bolts should not be easily accessible when closed, to deter by-passing of the locks themselves by a determined offender. One way security clutch head security bolts/screws or similar can also be utilised to prevent easy removal.
- Hinge pins for equipment cabinets, associated buildings and gates should be hidden when closed and/or fitted with anti-lift devices.
- All photovoltaic (PV) solar panels are individually security marked and all serial numbers recorded within a site inventory.

- The PV's should be installed using one way security clutch head security bolts/screws or similar, as an added layer of security and in order to make removal more difficult for thieves.
- Copper cable; transformers; inverters; switch gear and any other equipment of high value should be security marked. This can be achieved by using unique identifiers, such as serial numbers on the insulation sheathing and / or with the use of forensic marking solutions. A full equipment inventory should be kept.
- Appropriate crime prevention/security signage warning of the use of CCTV and forensic marking solutions should be installed on the exterior face of the security fencing and any gates.
- Given the amounts of equipment and copper cable likely to be on site during construction, it is essential that the site is secured and appropriate temporary alarm and CCTV systems are installed, particularly if a security guard is not to be employed during construction. Any plant and associated fuel bowsers should also be secured, alarmed and immobilised at the end of each working day.
- We also suggest and recommend that a planning condition be applied when planning consent is given in this way it will ensure that the developer will comply with minimum security, when it comes to Designing out of Crime as per the protocol dated April 2013 Kent Design Initiative (KDI).

6.130 Clearly, the applicant would not benefit from an insecure site and they are experienced in operating sites like this. A number of the measures recommended by the Police would already be incorporated in to the scheme. Details of some have not been provided and the applicant has been clear that they do not normally install CCTV at their sites.

6.131 A number of local people have raised concerns about the security of the site, fearing that it could result in crime at their homes. Given those concerns, the applicant has agreed to a planning condition that would require a comprehensive scheme of crime prevention measures for the site. In this case, those measures would include CCTV preferably infra-red CCTV to avoid the use of security lighting.

6.132 The Police state that the gap between the base of fencing and the ground should be minimal. In this case, the gap would be 10cm to allow wildlife to enter and leave the site in accordance with the ecology requirements. Whilst acknowledging that it is a matter of concern for local people, the biodiversity benefits would outweigh the security risks associated with that gap, particularly given that a range of other security measures will be secured by condition, including CCTV.

Decommissioning

6.136 National and Local Policy require that local planning authorities take in to account the normally temporary nature of the solar farms and the fact that planning conditions can require the removal of installations when they are no longer required.

6.137 In this case, planning permission is sought for a period of 25 years, after which the site would be decommissioned, removed from site and the site returned to its former condition and use.

6.138 A number of representations have been received requesting the developer provides a bond that would secure the removal of the development at the end of its lifetime.

Such a bond would not be necessary as a planning condition securing the removal of the solar farm in line with a Decommissioning Strategy would be enforceable and would run with the site, rather than the current owner. The applicant has provided a summary of how the site might be decommissioned in their Design and Access Statement and a more detailed strategy would be secured by planning condition.

- 6.139 In addition, if electricity production from the solar array has permanently ceased for more than six months during the anticipated 25 year period, a condition is recommended that the array and all associated structures shall be removed and the ground reinstated to its original condition.

Other matters

- 6.140 Members should be aware that the National Planning Casework Unit has received a request to call this application in so that it can be determined by the Secretary of State rather than the Local Planning Authority.
- 6.141 This does not prevent the Committee from reaching a resolution on this application. That resolution will be related to the National Planning Casework Unit. It will then decide whether or not to call the application in

7.1 THE PLANNING BALANCE AND CONCLUSIONS

- 7.2 The NPPG sets out that renewable energy developments should be acceptable for their proposed location. Local planning authorities may wish to consider how planning conditions or planning obligations can mitigate the impacts described [Reference ID: 5-010-20140306].

- Notwithstanding that the site is not previously-developed land and is agricultural land of grade 3b, the development of this site for a solar farm would be acceptable in principle.
- Significant weight should be afforded to the delivery of the amount of renewable energy being proposed here.
- Significant weight should be placed on the economic growth that the proposal would bring, especially in this rural area. Weight should also be given to the employment creation.
- There would be moderate but localised harm caused to the landscape character and moderate harm to visual amenity and that would weigh against planning permission being granted.
- There would be some harm to the setting of listed buildings but, whilst this is an important factor, this harm would be less than substantial in nature.
- The development would be acceptable in terms of biodiversity, heritage impacts, the impact on neighbours' living conditions, highways, flood risk and crime prevention, subject to appropriate planning conditions, which are recommended. In relation to biodiversity, taking into account mitigation measures, there would be likely to be an improvement and enhancement of the ecological value of the site.
- A large number of local people have objected to this application. It is the nature rather than the amount of objections that should be considered.

- Overall, applying the s.38(6) test, the planning benefits which are likely to arise from this proposal outweigh the disbenefits and adverse impacts. For that reason, I would recommend permission. However, furthermore, I also conclude that the three dimensions of sustainable development are met in this case and the presumption in favour of sustainable development should be applied in this case. I consider that the adverse impacts of granting permission for this proposal are significantly and demonstrably outweighed by the benefits of the proposal when assessed against the policies in the NPPF taken as a whole. I recommend therefore that planning permission should be granted subject to conditions.

8.0 RECOMMENDATION

8.1 That planning permission be granted subject to the following planning conditions.

9.0 PLANNING CONDITIONS

1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this decision.</p> <p>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.</p>
2	<p>Except as set out in these conditions, the development hereby permitted shall not be carried out except in accordance with the approved plans, drawings, reports and supporting documents:</p> <p>1:25000 Location Plan 2132.AP.001.0.G_Pagehurst_Module_Array_Layout 2132.AP.001.0.G_Pagehurst_Module_Array_Layout_Google_Earth 2132.AP.003.1.D_Pagehurst_Exemplary_Sections 2132.AP.004.2.C_Pagehurst_Inverter_Transformer 2132.AP.006.3.A_Pagehurst_Fence 2132.AP.007.4.B_Pagehurst_General_Cross_Section_Through_Module_Array 2132.AP.008.4.0_Pagehurst_Generic_Module_Data_Sheet 2132.AP.009.1.B_Pagehurst_Substations 2132.AP.010.2.0_Pagehurst_Substructure 2132.AP.011.3.0_Pagehurst_Spare_Parts_Container 209-01-03B Landscape Layout & Mitigation Plan 209-01-011 Visual Mitigation Plan Marsden Road 209-01-15 Landscape sections 4933 Transport Statement November 2013 4933_102 New Access Plan November 2013 4933_101 New Access Exiting Plan November 2013 4933_100 New Access Entering Plan November 2013 209-01-01 Landscape and Visual Impact Assessment September 2013 Construction Traffic Management Plan dated 22 August 2013 WM914.6 – Phase 1 Habitats Survey (extended) Enhancements for Biodiversity 16 September 2013 WM1044.1 Amphibian Precautionary Working Method Statement November 2014 WM1117.3 Wildlife Matters memo dated 16 October 2015 WM1135.1 Wildlife Matters memo dated 6 January 2016 WM1058.3 GCNs & RAM + HSIs and Field Data 27 July 2015 2015-09-30 Pagehurst Farm Diversification Final Report Planning Statement v4.1 June 2015 Statement on the Discounting of Previously Developed Land and the use of</p>

	<p>Agricultural Land for a Solar Farm 18 June 2015 Design & Access Statement v4.1 June 2015 Noise and Light from a Photovoltaic Solar Farm 18 February 2014 P7/2 Agricultural Land Classification Plan March 2014 Agricultural Land Classification Report March 2014 V1.2 Ecological Appraisal & Outline Enhancement & Management Plan Oct 2013 100290.01 Archaeological Desk Based Assessment August 2013 1797 – Phase 1 Flood Risk Assessment August 2013</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>The planning permission hereby granted is for a period of 25 years from the date of first export of electricity from the development to the grid (the ‘first export date’), after which the development hereby permitted shall be removed. Written notification of the first export date shall be given to the Local Planning Authority no later than 14 days after the event.</p> <p>Reason: To ensure that the impacts of the development exist only for the lifetime of the development.</p>
4	<p>Not less than 12 months before the expiry of this permission, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The DMS shall include details of the removal of the arrays, cables, fencing, tracks and buildings together with the repair of damage that may have occurred, restoration of the site, protection of biodiversity during removal and the management of traffic during the decommissioning process and a decommissioning timetable. The development shall be decommissioned in accordance with the DMS.</p> <p>Reason: To ensure that the impacts of the development exist only for the lifetime of the development and in the interests of the amenity of the area and neighbouring living conditions.</p>
5	<p>If any of the individual solar panels hereby permitted ceases to export electricity to the grid for a continuous period of 6 months then, unless otherwise agreed beforehand in writing by the Local Planning Authority, a scheme of decommissioning and restoration of the site shall be submitted to the Local Planning Authority for its written approval for the removal of the solar panel(s) and associated equipment and the reversion of that part (or parts) of the site to agricultural use. The approved scheme of restoration shall be fully implemented within 6 months of the written approval of the scheme by the Local Planning Authority.</p> <p>Reason: To ensure that the landscape impact of the development exists only for the lifetime of the development.</p>
6	<p>No works associated with the development shall take place at the site and no vehicles associated with the development shall enter or leave the site on Sundays or public Bank Holidays or outside of the following hours: between 0730 and 1800 Monday to Friday and 0800 and 1300 on Saturdays and during hours of darkness.</p> <p>Reason: In the interests of the amenity of neighbours of the site and to avoid harm to protected species.</p>
7	<p>No development shall commence at the site before details of a wheel washing procedure have been submitted to and approved in writing by the Local Planning</p>

	<p>Authority. The development shall be carried out in accordance with the details approved.</p> <p>Reason: In the interests of the amenity of neighbouring residents and the safe and free flow of traffic. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.</p>
8	<p>No external lighting shall be used at the site unless otherwise agreed beforehand in writing by the Local Planning Authority.</p> <p>Reason: In the interests of minimising the landscape impact of the development and the amenity of neighbouring residents.</p>
9	<p>No development shall take place until a scheme of measures to minimise the risk of crime that shall include details of the location and design of CCTV cameras has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is first brought in to use and thereafter retained and maintained for the lifetime of the development.</p> <p>Reason: In the interest of security and crime prevention.</p>
10	<p>Notwithstanding the submitted details, no development shall commence at the site before a revised scheme of landscaping that seeks to mitigate the visual impact of the development on the landscape throughout the year whilst incorporating the Council's Landscape Guidelines together with a timetable for the implementation of the scheme and a programme for its management and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details during the planting season (October to March) and completed prior to the first export of electricity from the development to the grid.</p> <p>Reason: In the interests of the mitigating the landscape impact of the development. These details are required prior to commencement as they are fundamental to the acceptability of the proposal overall.</p>
11	<p>The development shall be carried out strictly in accordance with the contents of the approved document titled WM117.3 'Memorandum' dated 16th October 2015, including the Great Crested Newts Reasonable Avoidance Measures (RAM) Method Statement Summary. No construction or deconstruction shall take place outside of the period between November and - February unless otherwise agreed beforehand in writing by the Local Planning Authority in consultation with the County Biodiversity Officer.</p> <p>Reason: In the interests of protecting Great Crested Newts in and around the site.</p>
12	<p>No development shall commence at the site before a strategy for monitoring the successfulness of the Great Crested Newts Reasonable Avoidance Measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved and implemented for the lifetime of the development.</p> <p>Reason: In the interests of protecting Great Crested Newts in and around the site.</p>
13	<p>No development shall commence at the site before details of the fencing around the entrance has been submitted to and agreed in writing by the Local Planning</p>

	<p>Authority. In the event that such fencing is required, it shall be carried out in accordance with the approved details.</p> <p>Reason: In the interests of protecting Great Crested Newts in and around the site. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.</p>
14	<p>No development shall commence at the site until a method statement has been submitted to and agreed in writing by the Local Planning Authority detailing how the works will avoid impacting Great Crested Newts during the following:</p> <ul style="list-style-type: none"> • Erection of the security and exclusion fence. • Removal of the exclusion fencing. • Construction of the internal construction road. <p>The work shall be carried out in accordance with the approved details.</p> <p>Reason: In the interests of protecting Great Crested Newts in and around the site. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.</p>
15	<p>No development shall commence at the site before details of a scheme of biodiversity enhancements reflecting those set out in the submitted Phase 1 Habitats Survey (extended) dated September 2013 and the Ecological Appraisal and Outline Enhancement and Management Plan dated October 2013 together with a timetable have been submitted to and approved in writing by the Local Planning Authority. These shall include but not limited to the following:</p> <ul style="list-style-type: none"> • Arable management to maintain populations of notable arable flora • Grassland and pond management/establishment. • Hedgerow enhancements • Bat, bird and insect boxes, stag beetle buckets, hedgehog homes, log piles, wooden planks under solar panels and GCN enhancements. • Provision of wildflower planting around the site and new hedgerows. • Monitoring of the successfulness of the various measures proposed. <p>The scheme shall be carried out in accordance with the approved details and implemented for the lifetime of the development.</p> <p>Reason: In the interests of protecting and enhancing biodiversity in and around the site. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.</p>
16	<p>No development shall commence at the site before a ground nesting bird survey has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and implemented for the lifetime of the development.</p>

	<p>Reason: In the interests of protecting and enhancing biodiversity in and around the site. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.</p>
17	<p>Prior to commencement of development, full details of an amended hedgerow species and accompanying detailed plan to include a proportion of evergreen shrubs (Holly) to provide more effective screening shall be submitted to and approved in writing by the Local Planning Authority. The submitted details should also include an implementation strategy and a long term management plan which extends up to and beyond the period of reinstatement once the solar farm ceases to function.</p> <p>The proposed planting specification shall be as follows:</p> <p>Hedgerow shrubs (90-120cm whips or equivalent): Carpinus betulus (Hornbeam) 30% Crataegus monogyna (Hawthorn) 10% Corylus avellana (Hazel) 35% Euonymus europaeus (Spindle) 5% Ilex aquifolium (Holly) 15% Salix caprea (Sallow) 5%</p> <p>Hedgerow standard trees (Nursery standard size, 8-10cm, 2.7-3m): Sorbus torminalis (Wild Service Tree) 5% Quercus robur (Oak) 95%</p> <p>Trees in Hedge 5, 6 and 7 (Nursery standard size, 8-10cm, 2.7-3m): Acer campestre (Field Maple) } Salix alba (White Willow) } specify numbers Sorbus torminalis (Wild Service Tree) - least common species } Quercus robur (Oak)- predominant species }</p> <p>Hedgerows shall be planted in double or triple rows in groups of species. Plants shall be approximately 45cm apart in staggered rows which are 30cm apart. Hedgerow standard trees shall be planted at irregular intervals individually or in small groups as appropriate to reflect the landscape character.</p> <p>The development shall be carried out in accordance with the approved details during the planting season (October to March) and completed prior to the first export of electricity from the development to the grid. Any trees, hedges or plants which die during the first 10 years shall be replaced during the next planting season.</p> <p>Reason: In the interests of minimising the landscape impact of the development and the amenity of neighbouring residents.</p>
18	<p>No later than 12 months before the site is decommissioned, a Decommissioning Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:</p> <ol style="list-style-type: none"> 1. An ecological scoping survey 2. Recommended specific species surveys 3. Detailed mitigation strategies.

	<p>The Plan shall be carried out as approved.</p> <p>Reason: In the interests of protecting biodiversity in and around the site.</p>
19	<p>If in the event of any construction work to be carried out outside of the Great Crested Newt hibernation period or in the event of an overrun of works after the hibernation period, then a revised mitigation strategy would be required to be submitted to and approved by the Local Planning Authority prior to commencement of works. In the event of an overrun, then works would be required to cease at the end of the hibernation period until a strategy is submitted and approved by the Local Planning Authority. The works shall then be carried out strictly in accordance with the revised strategy.</p> <p>Reason: In the interests of protecting biodiversity in and around the site.</p>
20	<p>No development shall take place at the site before a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that features of archaeological interest are properly examined and recorded. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.</p>
21	<p>No development shall take place at the site before details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.</p>
22	<p>The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 23:00 – 07:00 hours as covering the night time period.</p> <p>Reason: To protect living conditions at neighbouring conditions.</p>
23	<p>The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the day time period. For the purpose of the assessment the Authority will accept 07:00- 23:00 hours as covering the night time period.</p> <p>Reason: To protect living conditions at neighbouring conditions.</p>
24	<p>Prior to the first use of the electricity substation an acoustic report assessing the impact shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no loss of amenity to</p>

	<p>residential or commercial properties. For residential accommodation, the scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in The DEFRA Procedure for the assessment of low frequency noise complaints 2011 (NANR45). The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written consent of the local planning authority.</p> <p>Reason: To protect living conditions at neighbouring conditions.</p>
25	<p>No development shall commence at the site until a timetable and details of the widening and subsequent reduction of the entrance width to the site from Marden Road and the use of the northern portion of the site as a storage/construction area and its subsequent restoration and planting has been submitted to and approved by the Local Planning Authority. The details shall be carried out in full accordance with the approved details.</p> <p>Reason: To minimise the impact of the development on the landscape.</p>
26	<p>No development shall commence at the site before a Sustainable Urban Drainage Scheme for the site based on that described in the submitted Flood Risk Assessment, including a scheme for its implementation, management and maintenance have been submitted to and approved by the Local Planning Authority. The development shall be carried out as approved.</p> <p>Reason: In the interests of sustainable drainage and managing flood risk.</p>
27	<p>Prior to the commencement of development, details shall be provided to the Local Planning Authority of a UK based nominated representative for the development to act as a point of contact for local residents, together with arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for liaison with local residents and the local planning authority and dealing with any complaints made during construction, operation and decommissioning of the development.</p> <p>Reason: In the interests of living conditions at neighbouring properties and community cohesion.</p>

INFORMATIVES:

1. The applicant is advised that they will need to enter into a Section 278 agreement with the Local Highways Authority in order to ensure satisfactory access construction, visibility splay improvements and advanced temporary signing.
2. The applicant is advised to contact the Local Highways Authority to undertake road condition surveys prior to commencement, to ensure that any damage that may occur is repaired by the applicant.

3. The applicant is advised to use a banks man or operative to assist movements to and from the site for health and safety reasons during construction works.
4. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
5. Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. For advice on pollution prevention, the applicant should refer to our guidance "PPG1 – General guide to prevention of pollution", which is available on our website at www.environment-agency.gov.uk.
6. Due to the risk of unexploded Second World War bombs within the site, the applicant is advised to undertake an unexploded ordnance survey prior to the construction works.
7. Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.
8. Please note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:
 - Duty of Care Regulations 1991
 - The Waste (England and Wales) Regulations 2011
 - Hazardous Waste (England and Wales) Regulations 2005
 - Pollution Prevention and Control Regulations (England and Wales) 2000
 - Environmental Permitting (England and Wales) Regulations 2010

Case Officer: Richard Elder

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