REPORT SUMMARY

REFERENCE NO - 15/505971/FULL		
APPLICATION PROPOSAL Construction of a solar farm to include installation of solar panels to generate up to 5MW of electricity with switch room, deer fencing and cameras, landscaping and associated works, together with measures to promote biodiversity.		
ADDRESS Land At Widehurst Farm Thorn Road Marden Kent TN12 9LN		
RECOMMENDATION Grant permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION 1. The principle of the development would be acceptable on planning policy grounds. 2. The visual impact on the landscape and landscape character is considered to be moderate subject to conditions. 3. Agricultural land classification of site is grade 3b which is not 'Best Most Versatile' agricultural land. 4. Ecological mitigation measures can be successfully implemented subject to conditions. 5. 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 The proposed development is a departure from the Development Plan (policy ENV28)		
WARD Marden And Yalding Ward	**PARISH/TOWN COUNCIL** Marden	**APPLICANT** Widehurst Energy Company Ltd **AGENT** Susenco Management Ltd
DECISION DUE DATE 31/12/15	**PUBLICITY EXPIRY DATE** 26/2/16	**OFFICER SITE VISIT DATE** 7/10/15

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

App No	Proposal	Decision	Date
MA/15/503890	Screening opinion – proposed solar farm at Widehurst Farm	EIA not required	8/6/15

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The application site extends to approx. 9ha. and is located approx. 1km south of Marden village, 600m east of Plain Road and 500m south of Thorn Road. The site boundaries are mainly defined by existing hedgerows except on the western side, with areas of mature woodland and tree belts to the south and east. Vehicle access to the site is via an existing farm track from Plain Road. The track currently serves an agricultural barn approx. 200m west of the application site and it is proposed to use this to form the site of the proposed construction depot.

1.2 The application site and surrounding area are generally flat but the land rises gradually to the north towards Thorn Road and Marden village. There are small areas of ancient woodland to the SE of site (Wilden Wood and Widehurst Wood) and existing hedgerows to the west of the site and to the north of the farm track.

1.3 There are 2 public footpaths (PROWs) in the vicinity of the site - KM285 runs north-south within approx. 30m of the western boundary and KM283 runs east-west between Plain Road and Marden Thorn, parallel to Thorn Road, approx, 2-300m north of the site.

1.4 The site is currently in arable use with a rotation of oil seed rape, beans and wheat. It is classified as Grade 3b agricultural land (moderate quality) and it is intended that the land will continue in agricultural use for the grazing of sheep whilst the solar farm is in operation.

1.5 The surrounding area is predominantly rural in character comprising agricultural land in arable use and orchards with scattered areas of woodland and sporadic development in the form of small farms and isolated dwellings. The land is not subject to any specific landscape designation.

1.6 The nearest residential properties to the site are:
- Poulters Hall, Plain Road, 600m (west)
- Widehurst Cottages, Marden Thorn, 600m (east)
- Ashley House 400m (north)
- Longridge Farm 400m (north)
- Canon Farm, 500m (north).

2.0 THE PROPOSAL

2.1 Full planning permission is sought for the installation of solar panels with ancillary works on 9ha. of agricultural land (Grade 3b) for a period of 30 years. The site comprises 2 adjoining fields measuring approx. 350m x 300m. which form part of a larger agricultural unit at Widehurst Farm. The solar farm would have a power output of 5 Megawatts which is estimated to be sufficient to serve approx. 1200 homes.

2.2 The photovoltaic (PV) solar panels will be supported on metal frames in arrays covering an area of 9ha. The arrays would be laid out in two adjoining fields in over 40 parallel rows of solar panels, aligned east-west across the site. Each array consists of 36 PV modules (6x6) forming rows of between 4 and 12 arrays ranging in length from 50m to 150m.

2.3 The arrays would face south and inclined at a 15 degree angle from the horizontal approx. 0.8m high on the lower side increasing to a maximum height of 2.65m on the higher side in order to maximise the absorption of the sun's rays.

2.4 Several small ancillary structures would be required comprising 3 inverters, a customer cabin, a switchroom, a control room and a storage container situated in the central part of the site. The site would be enclosed by a perimeter fence comprising a 2m high stockproof fence with steel gates.

2.6 Access to the solar farm would be via an existing unsurfaced track from Plain Road which currently serves an agricultural building to the west of the application site. It is proposed that the existing building and adjacent hardstanding would be used as a temporary compound during construction. The existing farm track would

provide the only vehicle access to the site for maintenance purposes and serve the proposed ancillary buildings including the inverters, control room and switchroom.

2.7 The land around the solar panels would be sown with grass seed and is proposed to be used for grazing sheep whilst the solar farm is in operation. This will ensure that the land remains in agricultural use over the 30 year period that the solar farm is in operation and ensure that the grass is maintained without the need to use mowing equipment.

2.8 No staff based at the site and visitors would be limited to maintenance workers, estimated to involve approx. 10-20 visits per year.

2.9 Planning permission is sought for a 30 year period. After that time, the intention is that the site would be decommissioned, the equipment removed and the land returned to its former condition.

2.10 A range of landscape initiatives and biodiversity mitigation measures are proposed and are described in more detail in the report.

3.0 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 emerging 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 Draft Local Plan is now at Regulation 19 stage and although the emerging policies cannot be

afforded full weight they are material to the consideration of this application . 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:

"The proposals seek to make use of an existing access which currently serves agricultural vehicles. The access has a good crash history and provides good visibility for vehicles emerging the site. I am of the understanding that approximately the first 8m of the access track is highway land and I am concerned that there is already overrunning of the highway verges at the access. Could the applicant please provide tracking drawings that show HGVs can safely access and egress the site without overrunning the verge. In any construction management plan submitted it would be helpful for the applicant to provide photographs of the current state of the verges so that a comparison can be undertaken afterwards and any damage done will need to be rectified with the agreement with the Network Operations team within KCC Highways.

The applicant states that a public footpath runs along the western boundary of the site and is crossed by the access track. KCC's Public Rights of Way team should be consulted on this application if they have not been already. The applicant proposes three options for the routing of construction vehicles to the site. It is preferable to the local highway authority that Route 1 be used. This is to ensure that wherever possible HGVs utilise primary routes as opposed to narrow country lanes.

It is anticipated that the construction period for this site will be approximately 12 weeks, with around 105 HGV deliveries occurring within this time frame. The applicant advises that at the most intense times there will be a maximum of 5 deliveries, or 10 HGV movements, to the site in a day. In addition to this will be the movements of staff to and from the site - the applicant has advised that most of these movements will be accommodated by approximately 10 buses during peak periods. Once construction is complete it is expected that only 10-20 trips per year will be required to the site. It is therefore not anticipated that these proposals will lead to a significant impact on the highway network.

The applicant does not appear to have submitted a site layout plan. Could this please be provided showing the access road through the site and the associated parking and turning facilities within. Could the applicant also please provide tracking diagrams that shows HGVs are able to turn within the site and therefore exit the site in a forward gear.

In principle, I do not wish to raise objection to this proposal, however this is subject to provision of the requested information:
 Vehicle tracking of the site access
 Site layout plan including internal access road, parking and turning areas
 Vehicle tracking showing that HGVs can turn within the site
Once this information has been provided I will be in a position to provide further comments"

The applicant submitted an amended Construction Transport Management Plan on 2/12/15 which included a site layout plan with internal access road, demarcation of parking and turning areas, and vehicle swept path tracking showing turning areas for HGVs within the site.
The Highway Authority has since confirmed:

 “A condition survey is to be undertaken and repairs will be undertaken as part of section 59 of the Highways Act.
 Improvements to the access will be undertaken by means of an appropriate highways license (this should be undertaken prior to commencement).
 HGV and staff movements are relatively low for the duration of construction (paragraph 3.5) and will be undertaken via route 1. It is my understanding that the duration of construction is 12 weeks.
 Temporary signage at the site entrance and direction signing in Marden will be provided.
 Contact details will be made available at the site entrance.
 Turning for HGV’s and parking for staff will be undertaken on site. No vehicles will park on the public highway.
 Where/when necessary road sweeping facilities will be made available. Wheel washing facilities are to be made available, proposed near to the entrance with Plain Road.
 All traffic movements will be undertaken in accordance with the plan (paragraph 1.6).
Despite the relatively low number of HGV movements anticipated my only comment is that I note the swept paths on the private access track to the proposed site compound. This is some 250m distant and I also note the comment regarding wheel washing to be made available near to the access with Plain Road. It is considered that for HGV vehicles a significant length of reversing may be required within the site should an entering and exiting coincidence occur.
Reversing out onto Plain Road is undesirable both for road safety reasons and damage that may occur. I would recommend that a passing bay is constructed next to the access track, adjacent to Plain Road. It is considered that this would be a useful facility for the site in any event in the long term.
Subject to the above I consider that the construction traffic management plan proposed is acceptable”

4.2 KCC PROW OFFICER:

“There are several Public Rights of Way in the vicinity of the development.
The access road is crossed by Public Right of Way footpath KM285
which then runs beside the development site. The location of Public Rights of Way in the area are indicated on the attached map extract. The existence of the right of way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

Following discussions with the applicant’s representative I have confirmed the following:

• Public footpath KM285 is approx. 25m away from the edge of the nearest solar panel and the average distance to the footpath is 60metres. The maximum height of the solar panels is 2.65m. The inverter and substation will be in the middle of the layout at a fair distance. In time the hedge will grow and obscure the views from the footpath to the panels. The fence alongside the path will be a deer fence, sheep will be grazed and there will be hedging between the fence and the public footpath. In time the hedge will grow and obscure the views from the footpath to the panels. There is some distance between the hedge and PROW so there should be no issues with the hedge obscuring the footpath line.

• At the point where KM285 crosses the access track there will be a sign

indicating to drivers that pedestrians may be crossing the track. The main construction drop off area for the HGV's is to the west of this crossing point reducing the size of the construction vehicles crossing over the footpath.
The attached map combines the development plans and Public Rights of Way sketch map to assist in understanding the effects.

If the above conditions are met within the development then I have no objection to the application.

Please inform the applicant of the following General Informatives:-
1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.
3. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
4. No materials can be stored on the Right of Way.
Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority."

4.3 Natural England:

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and 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 Marden Marshes SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected landscapes
Having reviewed the application Natural England does not wish to comment on this development proposal.

Protected species
We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.
The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Local sites
If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements
This 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. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which 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'.

Sites of Special Scientific Interest Impact Risk Zones
The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" remains in place (Schedule 4, w). Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

Further comments dated 21/12/15:

"The advice provided in our previous response applies equally to this application although we made no objection to the original proposal (15/505971/FULL).
Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us."

4.4 KCC Ecology:

"Fortunately for this site, the applicant has used an ecological consultancy that have provided a good amount of detail in the submission and once the additional information that I have asked for is included, I am reasonably comfortable that the proposal is likely to be acceptable – I will though reserve final judgement on this until all the information has been received.

These are the main points in respect of which I have asked for additional info / clarification:

- Consideration of ponds within 500m buffer of site – I understand that they have this info it was just not included in these reports – to ensure that the use of the landscape by GCNs is more fully understood. From my desk top assessment and conversation with the ecologist I don't think that this will materially alter the conclusions reached and approach proposed, but will ensure that it is demonstrated that there has been an appropriate level of wider consideration.
- More detailed plan of cabling route, showing how areas of potential ecological interest (e.g. hedgerows) are being avoided and the locations of the points at which directional drilling will be used.
- Clarification within the Reasonable Avoidance Measures appendix, ensuring that there is a clear chronology of measures, that the Ecological Clerk of Works will be

appropriately experienced and licensed, and that it is clear what action will be taken if the works are not completed within the great crested newt hibernation period."

Additional Ecology comments (17/11/15):

"Under the Natural Environment and Rural Communities Act (2006), "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". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by…minimising impacts on biodiversity and delivering net gains in biodiversity where possible."

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."

Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

The Ecological Appraisal reports for the proposed solar farm and for the associated grid connection have been submitted in support of this application, along with the Biodiversity Management Plan. We advise that the two Ecological Appraisal reports provide an adequate assessment of the potential for ecological impacts to occur as a result of the proposed development. While the potential for ecological impacts is identified within the reports, the recommended approach to mitigate by avoiding impacts, including on great crested newts, is supported with sufficient justification in the reports and is therefore acceptable.

The Biodiversity Management Plan provides details of the approach to mitigation (including implementation of 'Reasonable Avoidance Measures') and enhancing the site's ecological value. We are satisfied that the mitigation (avoidance) proposals will adequately minimise the potential for ecological impacts and that the successful delivery of the proposed enhancement measures will increase the ecological value of the site.
It is essential that the 'Reasonable Avoidance Measures' are implemented as specified to avoid the need for a European protected species mitigation licence in respect of great crested newts.

We advise that the implementation of the Biodiversity Management Plan is secured by condition, if planning permission is granted. There is provision within the Biodiversity Management Plan for monitoring of the habitats to inform changes to the management measures proposed within the Biodiversity Management Plan, it would be appropriate for any revisions of the Biodiversity Management Plan to be submitted to Maidstone BC so that the effective delivery of the stated habitat enhancements can be monitored. This could be secured by condition, if planning permission is granted. During the lifetime of the development the applicant is proposing to enhance the ecological value of the proposed development site. As such, it is likely that the decommissioning of the development will result in ecological impacts. Therefore, if planning permission is granted, we advise that a condition is imposed requiring an ecological impact assessment to be carried out, including

any necessary specific species surveys. The results and any necessary mitigation proposals must be submitted for approval prior to any decommissioning works being implemented."

4.5 KCC Flood Risk Control:

"The construction of solar farms and polytunnels present three main risks to flood risk management:
 Increased surface area of impermeable surfaces resulting in increased rates of runoff;
 Displacement of flood flows;
 Soil erosion leading to reduced capacity of watercourse channels downstream.

Given that this site lies within Flood Zone 1, we have no concerns with the displacement of flood waters.

However, we do have concerns over the potential for increased rates of runoff and soil erosion, the management of which will require the submission of additional detail at the detailed design stage. Whilst the FRA has recommended the use of 300mm deep swales to restrict the rate of runoff from the site and attenuate flows of surface water, it is presently unclear how these features will drain. Given the relative impermeability of the underlying clay, it is likely that they will take a long time to empty through infiltration alone. If they are to drain at a controlled rate through an outfall to an adjacent ditch or watercourse, the means of flow-control and the rate at which they will discharge will have to be agreed.

Although a grassland system beneath the panels would provide an element of attenuation for the surface water from the structures, the concentration of runoff beneath would be higher than that over natural grassland. Research in the United States by Cook & McCuen (Hydrologic Response of Solar Farms." *J. Hydrol. Eng.*, 18(5), 536–541), has suggested this increase would not be great, but is an increase nonetheless. Other studies quantified this increase ranging from 1.5% to 8.6%, depending onsite specific parameters.

We would expect to see this potential increase accommodated, with the volume and rate of discharge quantified. To avoid the requirement for outfall structures, we would also recommend that it is demonstrated that 50% of the swale's capacity is available within 24 hours of the calculated critical storm for the site, inclusive of the predicted effects of climate change.

Should your authority be minded to grant permission to this development, we would therefore recommend that the following Conditions are attached:

Condition:

(i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the recommendations within the reports prepared by (PFA Consulting – September 2015), and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through open infiltration features located within the curtilage of the site.
(ii) Development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
i) a timetable for its implementation, and

ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason:
To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

Condition:

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
Reason:
To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

Please note:
Any feature on this site capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' (unless it shown by the EA's mapping to be a designated 'main river'); we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function.
Any works that have the potential to affect the watercourse or ditch's ability to convey water will require the formal written consent of either KCC or the Upper Medway Internal Drainage Board (depending on location - including temporary works, culvert removal, access culverts and outfall structures).

4.6 Upper Medway IDB:

"Please note that this proposal borders the Upper Medway Internal Drainage Board's district and drains to Marden Beech Stream (U18) which is managed and maintained by the IDB and on to the Lesser Teise.

The proposal therefore has the potential to affect IDB interests (by increased runoff and siltation of the downstream drainage system in particular). I note that the applicant considers that "the photovoltaic panels will not result in a material increase in runoff flow rates" but goes on to propose SuDS (consisting of swales along the site boundaries) in order to provide "betterment". It is considered likely that runoff rates will in fact be increased from the panels and access tracks, particularly as the solar panels are to be aligned down-slope. The introduction of swales over Weald Clay without any form of outlet could also increase runoff rates (if already full prior to a storm event).

Should the Council be minded to approve this application, it is requested that details of drainage be made subject to an appropriate planning condition requiring runoff to be restricted to no more than that of the Greenfield site (for a range of rainfall events up to the 1 in 100 year +CC) in direct consultation with KCC's Flood Risk Management Team.

4.7 Environment Agency:

"We have assessed this application as low risk and therefore have no comments to make".

4.8 Rural Planning Ltd:

“The NPPF states (para. 112) that local planning authorities should take into account the economic and other benefits of the "best and most versatile" agricultural land (Grades 1, 2 and 3a). 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.

The Government has also reaffirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice: securing the value of nature (June 2011), including the protection of "best and most versatile" agricultural land (para. 2.35).

On 06 March 2014 the Government's National Planning Practice Guidance advised, in respect of proposed large scale solar farms, that the planning authority will need to consider (inter alia) where such 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.

The Secretary of States' statement to Parliament a year later (25 March 2015) confirmed the advice against the use of any BMV land for solar farms, rather than poorer quality land, unless "justified by the most compelling evidence".

The application submissions for this particular site include a detailed agricultural land classification (ALC) study, dated July 2015. The application site extends to some 9ha of arable land (cropped with oil seed rape, and beans at the time of the survey).
The ALC study found that the land comprises Grade 3b (moderate quality), being a clay loam based soil principally limited by wetness. The land, therefore, is not within the "best and most versatile" category and may be considered "poorer quality land" in the context of para 112 of the NPPF, the NPPG, and the Secretary of States' statement to Parliament.

The Planning Statement explains that it is intended to plant the current arable land with species rich grassland and graze the available space under the panels with sheep, and you have requested details as to the practicalities of such a proposal. In this regard, please find attached a copy of a useful BRE/NFU publication "Agricultural Good Practice Guidance for Solar Farms", which includes methodology for this practice and give several examples of where sheep grazing has been successfully undertaken. I also attach (for completeness) an extract from the Borough Council's own Planning Policy Note on large solar arrays which includes reference to sheep grazing practice.

In conclusion, having regard to the NPPF and the NPPG, should it be considered necessary to use greenfield agricultural land for this development (which is not a matter within my remit), the proposal does comply, in essence, with the criteria as to poorer quality land being used in preference to higher quality land, and for the land to be continued in some form of agricultural use through the proposed return to grassland and the grazing of sheep.

4.9 MBC Landscape Officer:

“There are no protected trees on, or adjacent to, this site. However there are two blocks of ancient semi-natural woodland to the east of the site.

The site is located within Landscape Character Area 44, Staplehurst Low Weald, as defined in the Maidstone Landscape Character Assessment, which is nested within the Low Weald landscape type. The landscape guideline for this area is conserve.

The relevant summary of actions are:

- Conserve the intimate small scale Medieval field pattern, and the species rich hedgerow boundaries
- Promote enhanced species diversity within hedgerows where this has been weakened
- Avoid the use of single species hedgerows and shelterbelts within this landscape, where species rich hedgerows are so prevalent
- Promote the conversion of intensively managed grassland and arable land to species rich neutral grassland where there is potential
- Conserve, enhance and extend the frequent pattern of small ponds, and encourage good water quality within these and the larger water bodies at the foot of the Greensand Ridge through the promotion of sensitive management
- Conserve and increase extent of clean water ponds and small farm reservoirs
- Conserve the abundance of English oak and wild service trees within the landscape, which are frequent as hedgerow trees and as isolated specimens across farmland. Ensure continuity of this key feature by planting new oak trees to replace ageing specimens
- Consider views towards any proposals across the Low Weald from the elevated Greensand Ridge which rises to the north and the High Weald which rises to the south west
- Conserve the abundance of oak as a dominant species, and plant new isolated oaks within pasture and oak standards within hedgerows to replace ageing population
- Conserve and enhance the hedgerows, ensuring that they are correctly managed and gaps replanted
- Conserve the pastoral land and orchards
- Conserve and enhance the small scale field pattern and sense of enclosure, encouraging restoration and management of historic field boundaries
- Conserve the landscape setting of historic settlements
- Conserve the largely undeveloped rural landscape and the remote quality of isolated farmsteads and hamlets
- Soften the visual prominence of large agricultural barns through native planting and encourage native hedgerows around commercial and housing developments
- Enhance habitat opportunities around water bodies and ditches by promoting and managing a framework of vegetation in these areas

In terms of the Maidstone Landscape Capacity Study (LCS) sensitivity assessment 2015, Staplehurst Low Weald is assessed as being of high overall landscape sensitivity and is sensitive to change. The assessment states that development could be considered to support existing rural enterprises and existing commercial parks, although extensive, large scale or visually intrusive development would be inappropriate.

The general principles of the applicant's landscape and visual assessment, version 1 dated September 2015, are largely acceptable. My only comment is that the national character area profile referred to has been updated and the Landscape Assessment of Kent has not been referenced. The current version of the national profiles was published in September 2014. Additionally, the extract of Natural England's interactive map of the natural environment (appendix 1- entitled 'Landscape Designations') does not clearly show the designated ancient woodland. However, as the key document is the Maidstone Landscape

Character Assessment and this has been correctly referred to I only highlight these inconsistencies as a matter of course.

The applicant's landscape and biodiversity mitigation plan demonstrates the proposed location and species mix of the additional surrounding hedgerow/ tree screening. Whilst the layout is acceptable in terms of the provision of blocks of planting to increase connectivity between existing hedgerow and blocks of woodland and the relationship between the proposal and the adjacent ancient woodland is appropriate, I do have reservations about the structure of the proposed western hedgerow with its regular spacing of holly standards. A looser, more naturalistic, approach is considered more appropriate within the context of the existing landscape character. However, as this detail can be dealt with by condition, there are no arboricultural/ landscape grounds on which to object to this proposal, subject to approval of a detailed landscape scheme in accordance with the principles of the LCA guidelines which includes implementation details, a maintenance schedule and long term management plan with details of decommissioning and reinstatement of the site."

Further Landscape comments (8/2/16):

"Please find below an appropriate specification for hedgerows with standard trees suitable for the Headcorn Pasturelands landscape character area to help mitigate the effects of the proposed solar farm.

I would suggest that a small proportion of evergreen shrubs (Holly) and species which retain their leaves for a large proportion of the year (Hornbeam) should form part of the planting scheme to maximise the screening effect without compromising existing landscape character. The proposed hedgerow planting to the west of the site, which is shown to be comprised predominantly of Holly, would not be sympathetic to the landscape character. I would recommend slightly larger sizes are specified than indicated in our landscape guidelines, to ensure a more immediate impact, but the successful establishment of these hedgerows will be dependent upon appropriate ground preparation and maintenance regimes. The amended landscape details can be secured through a pre-commencement condition which also covers amended implementation details and a long term management plan, extending up to and beyond the period of reinstatement once the solar farm ceases to function.

The proposed plant specification is as follows:

Hedgerow shrubs (90-120cm whips or equivalent):
Carpinus betulus (Hornbeam) 30%
Crataegus monogyna (Hawthorn) 15%
Corylus avellana (Hazel) 30%
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%

Individual tree planting (Nursery standard size, 8-10cm, 2.7-3m):
Acer campestre (Field Maple)
Salix alba (White Willow)
Numbers to be specified and indicated on landscape plan
Sorbus torminalis (Wild Service Tree)- least common species }
Quercus robur (Oak)- predominant species

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. "

MBC Conservation Officer: considers that the proposal will not result in harm to the setting of any listed buildings near the site and raises no objections.

4.10 MBC Environmental Health:

"Potential noise disturbance –
The plant is located away from residential properties and due to the distance, I cannot see any problems relating to noise from the plant.
Solar Glare – care should be taken to ensure that neighbouring residential properties are not affected by solar glare from the PV units.

INFORMATIVES
As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected."

4.11 MBC Environmental Protection

"REQUESTED CONDITIONS:

1. Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 *(in areas of low background sound levels a target of NR30 shall be achieved)* as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

2. 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

3. Prior to the first use of the electricity substation an acoustic report assessing the impact shall be 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 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."

5.0 LOCAL REPRESENTATIONS:

5.1 Marden Parish Council:

"Recommended approval with the following conditions:
1. Screening hedging to be planted as soon as possible
2. Any lighting must be emergency lighting that switches itself on and off automatically
3. There is discussion with Kent Highways regarding reinstatement to any damage caused to the roads.
4. The site to be decommissioned, reinstated and returned to agricultural after 30 years (specific reference is made to 6.2 of the Design & Access Statement regarding decommissioning)"

Further comments (Dec. 2015): "no further comments to add"

5.2 **Neighbours/Interested Parties**:

18 letters were received in response to the consultation exercises associated with the planning application. The objections raised may be summarised as follows:

- Unacceptable visual impact on surrounding landscape
- Loss of agricultural land
- Solar panels should be placed on buildings
- Brownfield and industrial sites should be exhausted before using agricultural land
- Harm to local wildlife
- Adverse effect on views from 2 nearby PROWs
- Conflict with national and local policy and advice.
- No community benefit.
- A bond should be secured to ensure that the development is removed after the 30 year period.

5 letters of support were received making the following comments:

- Low impact on the surrounding area and will be screened by existing trees and hedges.
- Reduced reliance on fossil fuels
  Landscape impact outweighed by the benefits of the development.
- Screening would help mitigate the visual impact.
- Benefits for wildlife
- The development would allow diversification of agricultural land and allow sheep grazing.
- Smaller scale than recent solar farm at Knells Farm, Paddock Wood.
- Disruption during construction would be short-term

5.3 Helen Grant MP:

"I am a resident of Marden and have lived in Albion Road, TN12 9EA for the past two and a half years, very close to the subject land. I am also the Member of Parliament for the constituency of Maidstone & The Weald, where Marden is situated. In the interests of transparency my current tenancy will be terminating at the end of October but I am actively seeking alternative accommodation in or around the area.

The location of the proposed solar farm is in the midst of a very beautiful undisturbed pastoral scene. There are two public countryside footpaths close by that are well used by locals, ramblers and tourists every day. The land is also home to a range of wildlife, including protected species such as the crested newt, subject to survey, which are presently known to inhabit one garden just 600 metres from the site location. If this Application were to proceed it would completely ruin the vista and the general amenity of the locality. I do not believe the planting of screening hedgerows will quickly or adequately disguise the installation from the viewpoint of footpath users. As it is intended to retain the base land for sheep grazing the height of the lowest point of the panels must be elevated to allow for this by at least 700mm above ground level. There are also two houses owned by my constituents whose southerly aspects will be seriously blighted by the eyesore of 20,000 or so black glass panels. I am a supporter of renewable energy facilities but not at the expense of virgin English countryside.

I have this week instigated a survey of 956 nearby homes to ascertain the feelings of other local people about this and I will submit my findings to Maidstone Borough Council Planning Department as soon as I have collected a sizeable number of responses. Had widespread notice of this application been given to the village at the time it was first submitted my survey would have been issued earlier and the results would be available by now. I had no notification at all about the development however, until I made my own pro-active enquiries to the Council planning department. The public meetings in Marden organized by the prospective developer were equally poorly promoted, preventing full and open dialogue with the local people. I do not believe this application meets with current Government thinking on the use of agricultural land for this purpose. I therefore strongly oppose this application on the basis of all of my abovementioned comments".

Further update 30/11/15:

Responses were received from 183 people of whom 126 (69%) were against the solar farm application, 41(22%) were in favour and 16 (9%) were undecided. The main concerns related to the unsightly impact on the landscape.

6.0 BACKGROUND PAPERS AND PLANS

6.1 Supporting Statements:

- Design & Access Statement,
- Environment Statement
- Decommisioning Method Statement,
- Landscape & Visual Assessment (LVA)
- Heritage Statement,
- Ecological Appraisal/Biodiversity Management Plan (amended)
- Statement of Community Consultation,
- Agricultural Land Classification,
- Transport Statement.
- Flood Risk Assessment

6.2 Submitted plans: drawing nos. 1047-A-16, E06, B03, F-01, G-01, H-01,J-01,K-01,L-01,

7.0 ASSESSMENT OF PLANNING APPLICATION

7.1 The main planning considerations relevant in the determination of this application are considered to be as follows:

- The acceptability of the principle of development.
- The visual impact of the develop ent 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.

Principle of Development

7.2 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.

7.3 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).

7.4 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.

7.5 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.

7.6 The National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011) provides further, specific advice relating to renewable energy.
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.

7.7 Specifically on the role that solar 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].

7.8 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.

7.9 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.

7.10 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.

7.11 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.

7.12 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.

7.13 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.

7.14 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.

7.15 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.

7.16 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.

7.17 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.

7.18 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.

7.19 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 and as such the application has been advertised as a departure from the Development 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.

7.20 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 than 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.

7.21 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.

7.22 In addition, the agricultural use of the land 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 is temporary (although not short term) and a planning condition could ensure that the development is removed at the end of the 30 year period.

7.23 In 2015 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. A further screening opinion has recently been carried out and reached a similar conclusion as before.

7.24 Having considered the matters set out above and the applicant’s submission it is concluded 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

7.25 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).

7.26 In their supporting statement the applicants refer to the assessment of various potential sites which met the relevant criteria including not within a designated landscape area, not within flood risk area, god access to road network, easily screened from res properties and close proximity to an overhead power line. Avoiding 'best and most versatile' agricultural land (ie. Grades 1, 2 and 3a) was also a determining factor. The study concluded that the application site met the relevant criteria.

7.27 The NPPF and NPPG 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.

7.28 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 close proximity to available grid capacity and the NPPG states that considerations for particular renewable energy technologies that can affect their siting include proximity of grid capacity. Roof top solar provision is more difficult to realise, less efficient and cannot achieve the same scale of contribution towards renewable energy targets.

7.29 Derelict brownfield sites can carry significant demolition and/or remediation costs that may 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 8 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 too small for a solar farm. The remaining site (the former Syngenta site at Yalding) is now allocated in the emerging Local Plan and would also be unavailable.

7.30 Sites discounted from the emerging Plan are either too small for a solar farm or would be greenfield sites. The current application site is for a large site of 9 ha.and it is less likely that there would be available brownfield sites capable of accommodating development of this scale.

7.31 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 and the proposal would provide a stable source of income.

7.32 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, demonstrate that the use of Grade 3b agricultural land of moderate quality for the development is appropriate in this case. .

7.33 The Council's adviser on rural planning matters has examined 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), whereas

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.

7.34 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 to be suitable in principal for the proposed development.

Landscape and Visual Impact

7.36 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.

7.37 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.

7.38 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 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.

7.39 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.

7.40 Saved Policy ENV28 in the MBWLP (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 (as at the 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.

7.41 The Maidstone Landscape Character Assessment (2012) identifies the application 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.*

7.42 The Landscape Character Area, taken as whole, is described as having a good condition, a high sensitivity and moderate visibility. 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 that new development should respect the local vernacular in scale, density and materials.

7.43 A detailed Landscape and Visual Assessment (LVA) has been undertaken by the applicant to carry out a detailed assessment of the visual impact of the proposed solar farm on the landscape and the visual resources of the study area. For this scheme, based on the potential extent of the likely significant effects, has been established as 5 km from the application site. The LVA concludes that the proposed solar farm is likely to have a mod effect on landscape features and character and such effects are not significant in EIA terms, ie. some adverse effects will arise but are not expected to be harmful.

7.44 The application site is situated within an area of level agricultural land with existing hedgerows to the north, east and west and small areas of mature woodland to the south and east. Although the land rises gently to the north towards Marden village, distant views of the site from the surrounding area are limited by mature hedgerows. The site is visible from various points in Plains Road, approx. 600m to the west, and from Thorn Road approx. 400m to the north but the main views are from the two public footpaths which run to the west and north of the site. In particular, KM285 runs north-south from the southern built-up confines of Marden to Widehurst Wood, passing close to the western boundary of the application site, within 20m of NW corner of the site and will provide unrestricted views of the proposed solar farm.

7.45 Although the application site benefits from existing hedgerows on 3 sides the western boundary currently lacks adequate landscape screening. There is an existing hedgerow to the west of footpath KM285 which will provide some degree of screening when the site is viewed from Plain Road 600m to the west, but extensive additional planting will be essential along the western boundary to mitigate the visual impact of the solar farm when viewed from the west. Negotiations have secured a significant improvement in landscape mitigation along the western boundary in accordance with the Landscape Officer's specification. Whilst the additional

screening will take several years to mature, once established it will provide an effective natural screen along the western boundary.

7.46 Footpath KM283 is approx. 300m from the northern boundary of the site and views from the north are relatively well screened by existing hedgerows despite the gradual increase in ground levels. The existing hedgerows are to be enhanced with infill planting and infilling gaps to provide a more effective screen. The existing vegetation assists in reducing distant views from Thorn Road and Marden village to the north. Similarly to the south and east there are 2 small areas of ancient woodland adjacent to the site boundaries which will provide landscape mitigation to screen the solar farm from the open countryside to the south. In the short term views of the south-western part of the site will be possible from footpath KM285 along the section between Widehurst Wood and the farm track from Plain Road. However in the longer term, once the proposed landscaping along the western boundary has matured, it is not anticipated that there will be any significant distant views into the site from the wider landscape.

7.47 The visual impact of the development will be more apparent during the 12 week construction period using a temporary compound 300m from Plain Road to the west of the site. There would be a short term negative landscape character impact. During construction there would be a medium to low level adverse visual effect due to increased activity, delivery of materials, operation of machinery and construction work but in the longer term the visual impact would be reduced.

7.48 During the period this application has been under consideration, an application at Great Pagehurst Farm, (MA/13/1456) approximately 1km to the east of Widehurst Farm, has recently been refused for the construction of a ground based photovoltaic solar farm, access, associated works and grid connection to include installation of solar panels. This was for a larger scale of development covering an area of approx. 19ha. and generating up to 13.6MW. Due to the proximity of this application to the Pagehurst Farm application, had permission been granted the issue of cumulative impact would have been relevant. However, due to the distance between the sites and the inability to view both sites together from a fixed vantage point without the need for an observer to turn their head, it is considered that there would have been no cumulative visual impact on the landscape.

7.49 Screening opinions have also 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 cannot be taken into consideration as they may never come forward as applications.

Landscape mitigation

7.50 A range of mitigation measures are proposed by the applicant. These have been significantly increased throughout the course of the application process, in particular along the western boundary, and comprise:

- Enhance landscape character – minimise visual impact particularly when viewed from 2 footpaths KM283 & KM285
- New hedgerows along site boundaries, planting of shrubs, gapping up existing hedgerows to N&E including some tree planting, We have included for hedgerows to

be planted in double rows in groups of species. Plants will be approximately 45cm apart in staggered rows which are 30cm apart. Hedgerow standard trees will be planted at irregular intervals individually or in small groups as appropriate to reflect the landscape character.

- Link areas of dense woodland, small shaws and mature hedgerows
- Reinforce landscape character of the Low Weald, linking hedgerows around fields and orchards and safeguarding key landscape features such as ancient woodland
- Landscape mitigation to reflect semi-wooded landscape character including gapping up hedgerows and shaws thickening hedges to soften views of the solar farm
- Management of site by grazing & retain in agricultural use

The study emphasises that the mitigation measures will not have immediate effect but will take several years to mature after construction.

7.51 A detailed site assessment was carried out in consultation with the Council's Landscape Officer when the application was submitted it was 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, the proposed species mix within the hedgerows would not provide an appropriate screening function from the outset of the development and all year round screening due to the lack of evergreen species. Additional landscaping details were requested in order to provide more effective landscape mitigation, particularly along the western boundary.

7.52 The Landscape Officer has recommended the following landscape specification :

'A small proportion of evergreen shrubs (Holly) and species which retain their leaves for a large proportion of the year (Hornbeam) should form part of the planting scheme to maximise the screening effect without compromising existing landscape character. The proposed hedgerow planting to the west of the site, which is shown to be comprised predominantly of Holly, would not be sympathetic to the landscape character.

Larger sizes are specified than indicated in the landscape guidelines, to ensure a more immediate impact, but the successful establishment of these hedgerows will be dependent upon appropriate ground preparation and maintenance regimes. A long term management plan, extending up to and beyond the period of reinstatement once the solar farm ceases to function would be required.

The proposed plant specification is as follows:

Hedgerow shrubs (90-120cm whips or equivalent):
Carpinus betulus (Hornbeam) 30%
Crataegus monogyna (Hawthorn) 15%
Corylus avellana (Hazel) 30%
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%

Individual tree planting (Nursery standard size, 8-10cm, 2.7-3m):

Acer campestre (Field Maple)
Salix alba (White Willow)
Numbers to be specified and indicated on landscape plan
Sorbus torminalis (Wild Service Tree)- least common species
Quercus robur (Oak) - predominant species

Hedgerows should 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.'

7.53 In response, revised landscaping details have been submitted (11/2/16) to address the concerns raised by the Landscape Officer indicating an amended hedgerow species mix 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

Summary and conclusions

7.54 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.

7.55 The development would be locally significant in scale and would clearly change the character and appearance of the site as open, greenfield land. However, the applicant's LVA is considered to be acceptable and concludes that in the short term the solar farm will have a moderate adverse visual impact on some close range views from KM285 and from the farm track to the west. However this will decrease over time with mitigation planting and will vary from certain viewpoints, largely confined to views from the west along Plain Road. On balance, it is concluded that the overall negative impact on the landscape character would be moderate.

7.56 The visual harm caused by the development would be greater during the construction and dismantling phases and during the early years after construction. The harm would be short term but the overall impact on the landscape would be regarded as moderate in terms of views into the site from surrounding houses, roads, footpaths and elevated vantage points would also likely be moderate overall.

7.57 The proposed planting and screening required, particularly along the western boundary, would be significant in order to mitigate the visual harm caused by the development and the benefit of that planting would increase over time. 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. Although 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 of the development on biodiversity.

7.58 The Ecological Appraisal reports for the proposed solar farm and for the associated grid connection have been submitted in support of this application, along with the Biodiversity Management Plan. The two Ecological Appraisal reports provide an assessment of the potential for ecological impacts to occur as a result of the proposed development. While the potential for ecological impacts is identified within the reports, the recommended approach to mitigate by avoiding impacts, including on great crested newts, is supported with sufficient justification in the reports and is considered to be acceptable.

7.59 The Biodiversity Management Plan (BMP) provides details of the approach to mitigation (including implementation of 'Reasonable Avoidance Measures') and enhancing the site's ecological value. The Council's ecologist is satisfied that the mitigation (avoidance) proposals will adequately minimise the potential for ecological impacts and that the successful delivery of the proposed enhancement measures will increase the ecological value of the site. It is essential that the 'Reasonable Avoidance Measures' are implemented as specified to avoid the needfor a European protected species mitigation licence in respect of great crested newts.

7.60 The implementation of the Biodiversity Management Plan should be secured by condition, if planning permission is granted. There is provision within the Biodiversity Management Plan for monitoring of the habitats to inform changes to the management measures proposed within the Biodiversity Management Plan, it would be appropriate for any revisions of the Biodiversity Management Plan to be submitted to the Council so that the effective delivery of the stated habitat enhancements can be monitored which could be secured by condition. The two areas of ancient woodland adjoining the southern and eastern boundaries provide important habitats which need to be safeguarded in the BMP.

7.61 During the lifetime of the development the applicant is proposing to enhance the ecological value of the proposed development site. As such, it is likely that the decommissioning of the development will result in ecological impacts. Therefore, if planning permission is granted a condition is imposed requiring an ecological impact assessment to be carried out, including any necessary specific species surveys. The results and any necessary mitigation proposals should be submitted for approval prior to any decommissioning works being implemented.

Impact of the development on heritage assets.

7.62 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.

7.63 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.

7.64 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.

7.65 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.

7.66 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.

7.67 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.

7.68. There are no designated heritage assets situated within the application site but there are 84 listed buildings within 2km of the site of which only 9 are within 1km. There is a Conservation Area in Marden, where many of the listed buildings are concentrated. The nearest listed buildings to the site (all Grade 2) are as follows:

- Ashley House 460m to east
- Longridge 500m to north-east
- Poulters Hall 600m to west
- Susans Farm 760m to south-east
- Thorn Cottage 820m to east
- Thorn Farmhouse 840m to east

In addition there are several other listed buildings within 1km of the site which have no functional or historic relationship with application site. No other designated heritage assets have been identified within 1km of the site

7.69 The topography of the surrounding area and established hedgerows and woodland mean that there should be no intervisibilty between the development and

these heritage assets, and there is therefore unlikely to be any impact on their settings. A number of other more distant listed buildings in thesurrounding area will not share intervisibility with the development. Subject to planning conditions, there were would be no harm caused to heritage assets around thesite and has no impact on the overall planning balance.

Impact on residential amenity

7.70 The NPPF advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. 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.

7.71 Saved Policy ENV28 of the MBWLP(2000) states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.

7.72 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

7.73 The only noise-generating equipment on site will be the transformer/invertor stations and the substations, which emit a low hum when in operation. No noise is emitted after dark as the invertors only work during daylight 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.

7.74 The nearest transformer/invertor stations to residential property would be approx. 500 metres away from the site and thus would not be audible from residential properties in the surrounding area. The Council's Environmental Health Officer has confirmed that as the plant is located away from residential properties and due to the distance, do not envisage any problems relating to noise from the plant.

7.75 Some degree of noise from the construction works is a consequence of the proposed development and a condition is recommended limiting work between 0730 and 1800 Monday to Friday and 0800 and 1300 on Saturdays with no work on Sundays.

Glint and glare

7.76 Solar panels are designed to absorb, rather than 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 and the glass used in PV modules has a lower reflectivity than natural surfaces such as grass, woodland and crops. Sunlight will be reflected upwards rather than 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.

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7.77 Subject to planning conditions it is concluded that 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.

7.78 In terms of traffic generation the impact of the development on living conditions at neighbouring properties would be short-term during the 12 week construction period. This would involve delivery of materials to the site by HGVs between 0800-1800 (weekdays) and 0800-1300 (Saturday). Thereafter there would be occasional visits by maintenance staff involving approx. 10-20 visits per year which would not cause any impact on residential amenity.

Impact of construction traffic on the local highways network.

7.79. Paragraph 32 of the NPPF states that all development that generates 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.

7.80 The applicant has submitted a Transport Statement, which proposes that access to the site from the north would be via 3 alternative routes:

- B2079 and Maidstone Road,
- Staplehust and Marden Road or
- Staplehurst, Pagehurst Road and Thorn Road.

The applicants consider that the level of traffic during construction is likely to involve approx. 105 deliveries to the site over a period of 12 weeks and will not have a significant impact on the local highway network. No more than 5 deliveries per day are likely.

7.81 The only means of vehicle access to the site would be via the existing farm track from Plain Road which the Highway Authority is satisfied has adequate visibility. Vehicles will be able to turn within the site on the hardstanding adjacent to the existing agricultural building. Highways have recommended a number of highway improvements including a passing bay next to the access track,turning for HGV's and parking for staff on site, no parking on the public highway, road sweeping facilities , wheel washing facilities and temporary signage at the site entrance and direction signing in Marden will be provided. Subject to the implementation of these improvements no highway objections area raised.

Flood Risk and Drainage

7.82 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.

7.83 The applicant has submitted a Flood Risk Assessment Report. It concludes that: the site falls within Flood Zone 1 with a 1 in 1000 risk of flooding each year.

7.84 With regard to surface water drainage the existing site comprises 100% agricultural (permeable) area with a field drainage system in place, and as the solar panels will be elevated there would be no loss of existing permeable ground either beneath or adjacent to the solar array across the site.

7.85 The proposed solar panels would be arranged in rows and would be elevated above ground level by supports that would be fixed to the ground. Rainfall runoff would be shed from the angled panels to the permeable surface below, where it would be absorbed by the existing land drainage network. It is proposed to provide swales in the lower areas of the site to intercept extreme flows. The swales will be formed by creating shallow depressions 300mmm deep. In this way the applicant maintains that the development would have a negligible impact on site drainage and surface water and will not increase flood risk elsewhere. A condition, requiring full details of this scheme and its implementation would be attached in the event of an approval. The Environment Agency and KCC Flood Control have raised no objection to the development which would not increase the risk of flooding.

Crime Prevention.

7.86 A development of this type would clearly include a number of high value components and is situated in a relatively isolated rural location. Kent Police have confirmed that such sites may attract unwanted attention from thieves or become targets for vandalism and criminal damage.

7.87 Kent Police have advised on other similar solar farm proposals where the following crime prevention measures should be considered:

- 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.
- 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 amount 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.
- A planning condition should be applied when planning consent is given to 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).

7.88 In this case the site will be unmanned for most of the time with only occasional maintenance visits. In addition to a 2m high perimeter fence a CCTV system will be installed comprising 11 cameras around the site boundaries mounted on 2.5m galvanised steel columns.

Decommissioning

7.89 National and local policies require local planning authorities to take into account the temporary nature of the solar farms and the fact that planning conditions can require the removal of installations when they are no longer required. In this case, planning permission is sought for a period of 30 years, after which the intention is that the site would be decommissioned and returned to its former condition and use.

7.90 ``A planning condition securing the removal of the solar farm in line with a Decommissioning Strategy would be enforceable and would run with the land, rather than the current owner. The applicant has provided a statement as to how the site might be decommissioned in their Design and Access Statement and a more detailed strategy would be secured by planning condition.

7.91 In addition, if electricity production from the solar array has permanently ceased for more than six months during the anticipated 30 year period, a condition is recommended that the array and all associated structures shall be removed and the ground reinstated to its original condition.

8.0 THE PLANNING BALANCE AND CONCLUSIONS

8.1 The proposal conflicts in some respects with some relevant saved polices of the adopted Local Plan and the starting point is to determine the application in accordance with the development plan unless material considerations indicate otherwise. However, there are a number of material considerations in this case, several of which should be given significant weight, and which when considered cumulatively indicate that permission should be granted.

8.2 Notwithstanding that the site is not previously-developed land and is grade 3b agricultural land, the development of this site for a solar farm would be acceptable in principle.

8.3 Significant weight should be afforded to the delivery of the amount of renewable energy being proposed here.

8.4 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.

8.5 There would be moderate but localised harm to landscape character and visual amenity and that would weigh against planning permission being granted.

8.6 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.

8.7 Overall, applying the S38(6) test, the planning benefits which are likely to arise from this proposal are considered to outweigh the dis-benefits and adverse impacts. For that reason, permission is recommended. It is also concluded 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. 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.

8.8 It is therefore recommended that planning permission should be granted subject to conditions.

11.0 RECOMMENDATION – The Head of Planning and Development be delegated powers to GRANT planning permission subject to the following conditions and subject to no new material issues following expiry of the advertisement period:

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

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. Except as set out in these conditions, the development hereby permitted shall not be carried out except in accordance with the approved plans and supporting documents: Including submitted plans: 1047-A-16, E06, B03, F-01, G-01, H-01,J-01,K-01,L-01, amended Construction Management Plan dated Nov. 2015 and revised Biodiversity Management Plan dated February 2016.

Reason: in the interests of proper planning.

3. The planning permission hereby granted is for a period of 30 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.

Reason: To ensure that the impacts of the development exist only for the lifetime of the development.

4. Not less than 12 months before the expiry of this permission, a Decommissioning Method Statement and a Decommissioning Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted information 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, management of traffic during the decommissioning process, a decommissioning timetable, an ecological scoping survey, recommended specific species surveys and detailed mitigation strategies. The development shall be decommissioned in accordance with the approved details.

Reason: To ensure that the impacts of the development exist only for the lifetime of the development, in the interests of the amenity of the area and neighbouring living conditions.

5. If any of the individual solar panels hereby permitted ceases to export electricity to the grid for a continuous period of 6 months the Local Planning Authority shall be notified in writing by the operator of the panels. Within 3 months of that written notification, a Decommissioning Method Statement and Decommissioning Biodiversity Plan 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, as set out in condition 4, shall be submitted in writing to the Local Planning Authority. Within 6 months of the written approval of those details from the Local Planning Authority, the approved details shall be fully implemented.

Reason: To ensure that the impacts of the development exist only for the lifetime of the development, in the interests of the amenity of the area and neighbouring living conditions.

6. Full details of the external finishes of all inverter stations, substations, control rooms, storage buildings and perimeter fencing/gates; and details of the locations and external appearance of security cameras (and their supporting poles) shall be submitted to and approved in writing by the Local Planning Authority before any of that development is constructed. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

7. 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 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.

Reason: In the interests of the amenity of neighbours of the site and to avoid harm to protected species.

8. No external lighting shall be used at the site unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: In the interests of minimising the landscape impact of the development and the amenity of neighbouring residents.

9. No development shall take place until a scheme of measures to minimise the risk of crime 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.

Reason: In the interest of security and crime prevention.

10. Prior to the commencement of development a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. Notwithstanding the detail submitted thus far, the implementation details shall provide for a long term management plan, extending up to and five years beyond the period of reinstatement once the solar farm equipment has been removed from the site; whilst the scheme shall include the following specification for new landscaping:

Hedgerow shrubs (90-120cm whips or equivalent):
Carpinus betulus (Hornbeam) 30%
Crataegus monogyna (Hawthorn) 15%
Corylus avellana (Hazel) 35%
Euonymus europaeus (Spindle) 5%
Ilex aquifolium (Holly) 15%

Hedgerow standard trees (Nursery standard size, 8-10cm, 2.7-3m):
Sorbus torminalis (Wild Service Tree) 5%
Quercus robur (Oak) 95%

Individual tree planting (Nursery standard size, 8-10cm, 2.7-3m):
Carpinus betulus (Hornbeam)
Sorbus torminalis (Wild Service Tree) (least common species)
Quercus robur (Oak) (predominant species)

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.

Reason: To ensure a satisfactory setting and external appearance to the development. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory setting and external appearance to the development.

12. Before development commences a Construction Management Plan shall be submitted to and approved by the LPA including details of the following highways improvements:
• A condition survey shall be undertaken under section 59 of the Highways Act.
• Improvements to the access shall be undertaken by means of an appropriate highways license
• vehicle movements to the site shall be via route 1 in the Traffic Management Scheme,
• Temporary signage at the site entrance and direction signing in Marden will be provided.
• Contact details shall be made available at the site entrance.
• Turning for HGV's and parking for staff shall be provided on site. No vehicles will park on the public highway.
• Road sweeping and wheel washing facilities will be made available during the construction period near to the entrance with Plain Road.
No vehicles shall reverse from the site onto Plain Road and a passing bay shall be constructed on the access track adjacent to Plain Road.
The improvements shall be implemented before development commences and maintained for the duration of the development.

Reason: in the interests of highway safety

13. A Biodiversity Management Plan shall be to be submitted to the LPA and approved in writing before development commences so that the effective delivery of the stated habitat enhancements can be monitored and inform any changes to the management measures proposed within the Plan. During the lifetime of the development proposals to enhance the ecological value of the proposed development site shall be implemented in accordance with the approved details.
The decommissioning of the development will result in ecological impacts and an ecological impact assessment shall be carried out, including any necessary specific species surveys. The results and any necessary mitigation proposals shall be submitted for approval and implemented prior to any decommissioning works being carried out.

Reason: in the interests of enhancing biodiversity

14. No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details. The CEMP should incorporate measures to protect habitat features (and the species supported by these habitats) during the construction of solar panels, buildings and ancillary development. The Plan shall include full details of construction methodology and details of the timetable for construction (including the time of year when construction will take place). The Plan shall also include details of a mitigation strategy (with particular emphasis on Great Crested Newts) and shall incorporate measures to ensure that no construction traffic/activities will adversely impact on field boundaries.

Reason: In the interests of ecology; particularly the protection of Great Crested Newts. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

15 Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the recommendations within the reports prepared by (PFA Consulting – September 2015), and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through open infiltration features located within the curtilage of the site.

16. Development shall not commence until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
i) a timetable for its implementation, and
ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

17. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
Runoff shall be restricted to no more than that of a greenfield site (for a range of rainfall events up to the 1 in 100 year +CC) in direct consultation with KCC's Flood Risk Management Team.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

18. Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (in areas of low background sound levels a target of NR30 shall be achieved) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: in the interests of residential amenity

19. 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

Reason: in the interests of residential amenity

20. Prior to the first use of the electricity substation an acoustic report assessing the impact shall be 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 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."

Reason: in the interests of residential amenity

INFORMATIVES

Public rights of way:

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.
3. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
4. No materials can be stored on the Right of Way.

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

Case Officer: Tim Bloomfield

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