

**REPORT SUMMARY**

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| <b>REFERENCE NO - 15/505974/FULL</b>  |  |   |
| <b>APPLICATION PROPOSAL</b><br>Construction of a solar farm to include the installation of solar panels to generate electricity with two inverter stations, substation, control room, general storage, security fencing and cameras and associated temporary access track and site compound.  |  |   |
| <b>ADDRESS</b> Great Tong Farm Great Tong Headcorn Kent TN27 9PP  |  |   |
| <b>RECOMMENDATION</b> Subject to referral to The National Casework Unit and no new material planning issues being raised as a result of the publicity of this application as a departure from the provisions of the development plan (publicity period expires 26/2/16), I be given delegated powers to grant planning permission subject to planning conditions.   |  |   |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION</b><br><br><ol style="list-style-type: none"> <li>1. The principle of the development would be acceptable on Planning Policy grounds.</li> <li>2. Lack of suitable sites; land classification of site is Grade 3b/4 which is not 'Best and Most Versatile' agricultural land.</li> <li>3. The visual impact on the landscape and landscape character is considered to be moderate subject to conditions.</li> <li>4. Ecological mitigation measures could be successfully implemented, subject to conditions.</li> <li>5. The impact on surrounding heritage assets would amount to less than substantial harm.</li> <li>6. The development is acceptable in terms of flooding and drainage issues, subject to conditions.</li> <li>7. Potential harm caused by the development would be outweighed by the benefits of a significant contribution to renewable energy generation.</li> </ol> |  |   |
| <b>REASON FOR REFERRAL TO COMMITTEE</b><br>The recommendation is contrary to the views of Headcorn Parish Council and committee consideration has been requested.<br><br>The development is a departure from the Development Plan.  |  |   |
| <b>WARD</b> Headcorn  | <b>PARISH/TOWN COUNCIL</b><br>Headcorn   | <b>APPLICANT</b> Solar Securities Ltd                                 |
| <b>DECISION DUE DATE</b><br>23/11/15  | <b>PUBLICITY EXPIRY DATE</b><br>23/11/15 | <b>OFFICER SITE VISIT DATE</b><br>Various: main site visit on 9/12/15 |
| <b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b><br><br>A screening opinion was adopted and issued on 21/6/13 under reference MA/13/0998 with regard to a solar farm on three separate parcels of land in this area with a combined area of approx. 63.4 hectares. It was concluded that an Environmental Impact Assessment was not required. However, the area the subject of this current planning application formed only a part  |  |   |

of that wider proposal.

A screening opinion for this application was adopted and issued on 31 December 2015 based on the originally submitted plans and documentation, taking into account all other material considerations that had arisen throughout the determination period. This concluded that an Environmental Impact Assessment was not required. In view of the characteristics of the proposal, including the site's location outside any especially sensitive areas and removed from areas of dense population, the likely low height of the installation compared with surrounding features in the landscape, lack of pollution and wider impacts on the surrounding area, whilst clearly Schedule 2 development it was considered that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and that an EIA was not required. Overall, it was not considered that the development on its own or cumulatively would have significant effects upon the environment to warrant an EIA. It was considered that the development would not be of more than local importance and would not involve unusually complex and potentially hazardous environmental effects. Amended details were submitted for this application on 14/1/16 but these amendments do not materially affect the conclusions reached by the 31 December 2015 screening opinion.

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.1 This planning application relates to an irregularly-shaped agricultural field with an area of approx. 11.5ha in area, located around approximately 2km to the north of the centre of Headcorn. The site is wholly within Headcorn Parish but land within Ulcombe Parish is immediately to the east.
- 1.2 This is land in the open countryside and within the Low Weald Special Landscape Area as designated in the Maidstone Borough-Wide Local Plan 2000. The Maidstone Landscape Character Assessment places the land within Area 43 'Headcorn Pasturelands.'
- 1.3 In general terms this arable field forms part of a tract of predominantly agricultural land between Tilden Road (to the east) and Tong Lane (to the west), with Stickfast Lane to the north. Tong Lane is a 'byway' open to all traffic and is designated KH626.
- 1.4 There is a scattering of residential properties along the country lanes that criss-cross this area. The main concentration being those ranged along Tong Lane to the west of the application site.
- 1.5 In more detail, the application site is essentially located in a large, low-lying arable field which is fairly flat but falls gently towards the east down to the stream that flows south (to ultimately join the River Beult). Beyond the site to the north the land rises up towards the Greensand Ridge.
- 1.6 The site is bounded by a hedgerow to the north beyond which is open agricultural land bounding Stickfast Lane. The eastern boundary is comprised of a mature hedgerow containing significant trees, with a block of designated Ancient Semi-Natural Woodland to the north of two ponds, which are adjacent to this boundary on the east side. The southern boundary is marked by Public Right of Way KH582 which runs on a north-west/ south east alignment across the large arable field. The western boundary consists of a uniform maintained hedgerow adjacent to an orchard. The northern portion of this site boundary, which currently appears open, has been planted up fairly recently with whips which will establish into a hedgerow.

- 1.7 The landscape is fairly typical of the Headcorn Pasturelands character area in which the site is located, although, it is clear that over the years the original smaller scale field pattern has been opened up to form the larger arable field which this is now the subject of this application.
- 1.8 There are no Tree Preservation Orders (TPOs) protecting trees on, or adjacent to, this site and the site is not located within a Conservation area. However, as well as significant boundary trees, there are two mature individual trees growing within the southern portion of the site.

## **2.0 PROPOSAL**

- 2.1 Full planning permission is sought for the construction of a solar farm on the aforementioned arable field with a site area of approx. 11.5ha. This would be for a period of 25 years after which the development would be decommissioned. The construction and decommissioning phases would be likely to last for a period of up to 3 months each.
- 2.2 The plant is rated at 4.9MWp. It is estimated that the development would generate electricity equivalent to the annual needs of around 1084 average UK households. In relation to connection to the grid the indicative grid connection point is located approximately 1.2km to the south of the site, where it is proposed to connect to an existing overhead line. The exact connection route would be subject to a separate application under Section 37 of the Electricity Act 1989 if it utilises a new overhead line or an application for planning permission (or use of a permitted development order by a statutory undertaker) for an underground connection.
- 2.3 It would comprise photovoltaic panels mounted on a ground-based racking system supporting approx. 29,400 panels. The panels would be inclined approx. 15 degrees from horizontal, with approx. 1m of ground clearance to enable maintenance and grazing by sheep below the panels. The maximum height of the arrays above ground level would be 2.8m. The panels would be of a non-reflective blue/black colour.
- 2.4 There would also be ancillary works involving two containerised inverter stations (approx. 6m x 2.3m and 2.6m in height); one substation building (approx. 10.2m x 3.8m and 4.7m in height); one containerised control room building (approx. 3.1m x 2.4m and 2.6m in height); one containerised general storage building (approx. 6.1m x 2.4m and 2.6m in height); underground cabling; access tracks; security fencing and gates; security cameras on poles; and a temporary construction compound. All of the access tracks and ancillary buildings are located on the western margins of the site with access to Tong Lane via the main access track into the site, proposed to be located just to the north of the existing orchard.
- 2.5 The panels and the associated structures would be enclosed by a 2m tall plastic coated, steel mesh fence, coloured green. A CCTV security system would be installed, with cameras and infrared lighting supported on posts of up to 3.5m high at regular intervals around the perimeter fencing. Internal access tracks would be constructed of crushed stone.
- 2.6 A range of landscape initiatives and biodiversity mitigation measures are proposed and are described within this report. The two existing trees within the developable area would be retained.

- 2.7 A temporary construction compound is proposed for the construction and decommissioning phases. This would be used for the storage of materials, an office, welfare facilities and parking. It would be surfaced in compacted stone and would be removed after construction/decommissioning. The construction compound would be located in the western portion of the site abutting Tong Lane and to the north of the orchard.
- 2.8 Vehicular access is expected to be from the M20 onto Junction 7, then A274, then Tong Lane (ie the byway) thereby approaching the site from the south west. Tong Lane is formally surfaced and of an approx. width of 3 to 3.5m with passing bays at intervals.

### **3.0 POLICY AND OTHER 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). The following policies are relevant:

- ENV6 - Landscaping, Surfacing and Boundary Treatment
- ENV28 - Development in the Countryside
- ENV34 – Special Landscape Areas
- ENV41 – Ponds, Wetlands and Marshlands

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: Large Scale (>50KW) Solar PV Arrays (2014)
- Planning update March 2015 by The Rt Hon Sir Eric Pickles MP to the House of Commons dated 25<sup>th</sup> March 2015.

- Letter from The Rt Hon Gregory Barker MP to all Local Planning Authorities dated 22<sup>nd</sup> April 2014 regarding the Government's solar PV strategy.
  - Safer Places, The Planning System and Crime Prevention.
- 3.4 The Maidstone Borough Local Plan will provide a framework for development until 2031. It plans for homes, jobs, shopping, leisure and the environment, and will plan infrastructure to support these. The Local Plan is emerging and its policies are material to the consideration of this application and whilst it is progressing to a submission, at this time it's policies cannot be afforded full weight. Regulation 19 consultation commenced on 5/2/16 and will expire on 18/3/16. Following consideration of the need to make any modifications to the Plan it is anticipated that the plan will be submitted to the Secretary of State in May 2017 with the Examination in Public commencing in September 2017. The following policies are relevant:
- SP17 - The Countryside
  - DM1 - Principles of good design
  - DM3 - Historic and natural environment
  - DM28 - Renewable and low carbon energy schemes
  - DM34 - Design principles in the countryside
- 3.5 The Headcorn Parish Neighbourhood Plan (2015) has Policy HNP28 on 'Commercial energy generation in Headcorn'. However, it is currently at Regulation 16 stage and is being considered by this Council: its policies can therefore only be afforded very little weight.
- 3.6 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 LOCAL REPRESENTATIONS**

- 4.1 Amended details were submitted for this application on 14/1/16: all parties were re-consulted/re-notified. They cover a range of issues, principally: highways; public rights of way; drainage; agricultural land quality; landscape; security; heritage; ecology; and glint and glare.
- 4.2 On the original submission, **Headcorn Parish Council** states:

"The Council wish to see the application refused for the following reason:-

The application is larger than the agreed strategy for renewable energy contained within the emerging Headcorn Neighbourhood Plan. The effect on the rural landscape in terms of visual impact. The effect on the Historic Landscape and the surrounding Heritage properties The land should be retained for agricultural use The increased flood risk.

Referral to the planning committee is required and should the Committee be minded to approve the application the council require that the following conditions are applied:-

Mature planting, consistent with local species and maintained for the lifetime of the project Connection to the grid must be by underground cabling Funding must be made available for decommissioning and the land returned to agricultural use Land must be classified as agricultural throughout the lifetime of the project and afterwards Lighting at the site must be infrared and not susceptible to false triggers Any CCTV must be selected and sited with a view to minimal visual impact.”

Views on amended details are awaited.

4.3 On the original submission, **Ulcombe Parish Council** (ie the neighbouring parish) states:

“Ulcombe Parish Council wish to object to the above application in the strongest terms, for the following reasons:

- Lack of consultation process. Neither the Council or its parishioners have been consulted at any stage on this significant industrial scale application - contrary to guidelines from the National Planning Policy Framework (NPPF) , the Planning Policy Guidelines for Low Carbon and Renewable Energy (PPRE) and, surprisingly, Maidstone Borough Council's own Statement of Community Involvement. This site is within the Low Weald SLA and Maidstone’s proposed “ Local Landscape Value “ ( LLV ) in the draft Local Plan.

- Many of the supporting documents appear to be flawed or incomplete:
  - Ecological - concerns raised by Kent Amphibian and Reptile Group
  - Flood Risk - objection raised by KCC as the Lead Flood Authority and Upper Medway IDB Board
  - Access - the narrow access lane - a public byway/bridleway is unsuitable for heavy construction traffic - KCC Publics Rights of Way have submitted an objection.

- The development by virtue of its size and scale - 11.5 hectares - is an industrial and urban development and is therefore contrary to Maidstone Policy ENV28 (development in the countryside) and policies ENV 34 and SP5. Neither does it meet the criteria set out in the NPPF which seeks to "preserve the intrinsic beauty of the countryside". It is also in conflict with Headcorn’s Neighbourhood Plan.

- Agricultural Land Classification - applicant has commissioned a soil study showing the land to be Grades 3b and 4, but when assessed by DEFRA the land was listed as Grades 2 and 3. Studies by local residents show the applicant’s soil to be severely flawed and therefore "without value". Prime agricultural land is protected from such developments by both the NPPF and the PPRE.

- Strong concern amongst residents that the heritage impacts of the site have not been fully considered - Historic England must be consulted on this application which will have an impact on the historic rural setting of the Low Weald and the Greensand Ridge. Of particular concern to Ulcombe parishioners is the impact of the development on the village , on the Grade 1 listed church which can be seen clearly from the site and vice versa, and on the 23 x Grade 2 listed buildings within one kilometre of the site.

- The proposed mitigation measures are considered completely inadequate. Native

hedging will take more than 10 years to reach maturity, will not screen the panels (nearly 3m high) and associated buildings ( four of which range from 2.6m – 2.9m high plus the substation at 4.7m high being the size of a bungalow in open countryside) and will not screen during the autumn/winter months when the leaves are off. There will also be a low frequency noise impact (no noise levels are stated) which will disturb the tranquillity of the rural environment. Furthermore, the loss of the long-range views from the adjacent footpath are considered a loss of amenity to the community and visitors alike.

- An independent Landscape and Visual Impact (LVIA attached) commissioned by Ulcombe Parish Council - following local concern - disagrees strongly with the applicant's submissions. For ease of reference, see all the points in the Conclusion in para 4.0, and in particular the concerns raised about:
  - Alternative site appraisals in landscape terms (4.11)
  - Lack of detail and inaccurate details provided (4.2)
  - Conflict with planning policy (4.3)
  - Judgements – ( 4.41)
  - Cumulative Impact with other nearby solar farms proposed in the area (4.44)
- The LVIA concludes "In landscape character and visual impact terms, the harm caused by the development would outweigh the benefits. This Rebuttal demonstrates that the Great Tong Solar Farm Planning Application, 15/505974/FULL, would have significant adverse and unacceptable landscape character and visual impacts. This level of unacceptability should be considered of significant weight in the case against the development".

It was agreed unanimously by Ulcombe Parish Council to object to this application as being inappropriate within the tranquil rural landscape. The Council wish to see this referred to the Planning Committee."

On the amended details:

"Ulcombe Parish Council met again on 1st February, 2016 to discuss the new/amended documents submitted by the applicant.

We would make the following comments, to supplement our strong objection of October 2015:

- Details for associated buildings, cable trench, construction compound are listed as either "typical" or indicative. In the absence of more detailed information, it is not possible to make judgements on the impacts to the landscape, the visual amenity, archaeology and ecology.

- Ecology - the Great Crested Newt survey, by the applicant's own admission, is not compliant with Natural England guidelines on this European Protected Species. In line with concerns raised by Kent Reptile and Amphibian Group, the Kent Wildlife Trust and the KCC Biodiversity Officer, this planning application should be refused due to the lack of appropriate assessments as detailed in the NPPF and Habitat's Directive.

-Flood Risk - no full details supplied on mitigation of potential flood risk to properties within the parishes of both Ulcombe and Headcorn, and potential contamination of the River Beult (SSSI). Indicative measures and the use of conditions have not done nothing to allay the genuine concerns of local residents.

- Agricultural Land Classification - as previously stated, the soil report in support of the application is severely flawed and the ALC value cannot be determined. The NPPF and NPPG require the "compelling evidence" to justify the use of agricultural land for developments of this type.
- Heritage - the applicant clearly has no intention to investigate the concerns raised by local residents, the Kent Historic Buildings Committee and the landscape and visual impact assessment commissioned by Ulcombe Parish Council regarding the negative and significant impacts of the development on the setting of heritage assets - this is contrary to local and national policy which seek to enhance and protect these assets.
- Construction traffic - residents are concerned that the traffic figures supplied in support of this application have been underestimated in comparison to other such developments being considered by MBC.
- Landscape and Visual Impact - the Parish Council have asked Harper Landscape Architects to comment further on the new evidence and their report is attached for the Council's consideration. As before, HLA disagree strongly with the judgements and flawed methodology submitted in the applicant's assessment, and conclude "In landscape character and visual impact terms, the harm caused by the development would outweigh the benefits.....This level of unacceptability should be considered of significant weight in the case against the development".

In conclusion, Ulcombe Parish Council agreed unanimously to object to this application. In our view it is contrary to Maidstone Saved Policies ENV28, SP17 emerging Local Plan, ENV34, the Headcorn Neighbourhood Plan and the NPPF which seeks to "preserve the intrinsic beauty of the countryside".

4.4 On the original submission, **East Sutton Parish Council** states:

"The Parish Council of East Sutton wish to see this application refused. This proposal is sited in a Special Landscape Area and will have a massive impact on the landscape especially when viewing from and to the Greensand Ridge. This has always been an agricultural site which sits perfectly within its surroundings and the Parish Council does not wish to see the loss of any further agricultural land."

On the amended details:

"The Parish council resolved that this application be refused. This application sits in the lee of the Greensand Ridge and will have a massive visual impact on a landscape of local value."

4.5 Letters of objection have been received from **the CPRE, the Kent Historic Buildings Committee, Maidstone Ramblers, local community group 'Protect Our Weald' (POW) and from 64 (mainly local) dwellings**. The following (summarised) points are raised (on both the original and amended details):

a) This would not be sustainable development: it would be contrary to Development Plan Policy, Central Government Guidance, various guidance notes and the Headcorn Neighbourhood Plan. There are no local targets in place as regards renewable energy: this site is not suitable and if sites are not suitable in the local area then a much wider search should be carried out for acceptable sites.



b) There is insufficient information on proposed buildings; the construction compound; the CCTV cameras; proposed landscaping detail; noise generated by the inverter stations and associated cooling/ventilation systems; the underground cabling; and the management of construction and construction traffic. There is generally a lack of detail: important issues should not be left to be dealt with by conditions.

c) This development is not acceptable in the countryside. The development would constitute poor design and the character of the Low Weald Special Landscape Area would be harmed, both in a visual sense but also because of noise. There would be a cumulative impact with other similar schemes. The site would be visible from rights of way, heritage assets and the Greensand Ridge. New planting would take years to mature and would not be effective. This would be a further erosion of the open space available to Headcorn residents.

d) POW supports the Landscape and Visual Impact Appraisal (LVIA) by Harper Landscape Architecture commissioned by Ulcombe Parish Council. That report is critical of the LVIA submitted with the application in terms of omissions, weaknesses and inconsistencies; lack of alternative site appraisal; lack of detail; incorrect interpretation of policy; poor judgement in terms of landscape and visual impacts; and lack of analysis in terms of cumulative impacts when other solar farm proposals are taken into consideration. The HLA report concludes that, in terms of landscape character and visual impact, the harm caused by the development is such that it would outweigh the benefits.

e) In terms of ecology, protected species would be adversely affected. POW includes an ecological assessment by consultant Martin Newcombe that is critical of the methodology of reports submitted with the application: insufficient survey work has been carried on great crested newts, birds, badgers, bats, brown hares and reptiles; whilst there is a lack of detail in terms of underground cabling, future land management, operational care and decommissioning. There is a need for proper survey work to be carried out.

f) On flooding issues, the concerns expressed by the various flooding/drainage consultees are highlighted. Land drains may be damaged by piling thereby increasing the risk of flooding and pollution. The development would increase run-off and cause flooding downstream. There may be topsoil erosion and silting from run-off.

g) The conclusions in the application documentation that the agricultural land quality is moderate to poor are disputed: the land is better quality than that. Productive harvests have been observed over the years. Two soil scientists were asked to comment on the submission and concluded that the methodology is flawed and that proper conclusions cannot be drawn from the information provided. The Council's agricultural advisor has supported the conclusions in the developer's report but he is not a soil practitioner. It is questioned whether sheep would actually be allowed to graze the site once the solar farm is established. Good quality agricultural land does not need to be used for such development: other land is more appropriate, for example on industrial estates.

h) On heritage issues, POW agree with the Kent Historic Buildings Committee that the development proposed would have significant negative impacts on the setting of designated and non-designated heritage assets. Cumulative impact of solar farm developments needs to be considered. Of particular concern is the impact on Grade 1 listed Ulcombe Church and other heritage assets on the ridge. Bannister and

Bannister's 'Historic Landscape Survey of Great Tong Farm' does not appear to have been included in the developers' assessment.

- i) Archaeology interests would be adversely impacted.
- j) The solar farm would encourage criminal activity.
- k) The amenities of local residents would be harmed.
- l) There would be conflicts between vehicles and pedestrians on the byway and on the local road network generally; and concerns as to damage to the byway and country lanes. Development such as this may give rise to hazards, including fire risks that the emergency services may not be able to access.
- m) There may be danger to aircraft from glint and glare.
- n) The despoiling of the countryside in this manner would have a negative impact on the local economy. Commercial interests and tourists would be deterred from coming to the area.
- o) There may no longer be a need for the electricity produced by the rush to provide solar farms. Solar farms are not efficient producers of electricity and rely on subsidies. The equipment contains pollutants and is harmful to the environment.
- p) A permission here may lead to further similar development in this area. If the development is no longer needed it is doubtful whether it would be decommissioned properly and the land restored to its proper condition.
- q) Solar Securities are not members of the Solar Trade Association and the application is at odds with the 'commitments' of that association.
- r) The developers have failed to take adequate steps to engage in consultation with both the local community and elected members. The Council's Constitution, The Council's Statement of Community Involvement and Central Government Guidance have not been followed properly.

**4.6 Helen Whately MP states:**

"I recently met my constituent, Shellina Prendergast, in her capacity as a member of Protect Our Weald, a group with over 500 local supporters who are committed to safeguarding the environment in this special part of Kent. Shellina raised a series of concerns that the group has about this solar farm application, many of which I believe are salient and require further investigation.

One of the concerns raised was a lack of local consultation on the proposal, and in response I hosted a public meeting on Friday 2nd October in Headcorn. The developer was invited but to our disappointment was unable to attend as we had hoped they would present their plans and respond to questions. However, over seventy residents attended the meeting. There was heartfelt concern around the room about the development.

On behalf of my constituents, I am writing to urge MBC to give appropriate regard to the concerns of local residents in the planning process. I have summarised the most widely held concerns below:

- The threat from flooding: There are already significant problems with flooding in Headcorn and there are serious concerns that the solar farm will exacerbate the problem. I understand Kent County Council have raised concerns about flooding in relation to this particular application.
- Negative impact on the landscape: The field proposed to house the solar farm is located within a special landscape area as detailed in the emerging Local Plan. There are concerns about the visual impact of the solar farm, tall wire fencing and other features that will form part of the site. This will affect the immediate area, and also views across the Weald and to the Greensand Way. The proposed methods of concealing it were considered inadequate.
- Harm to the heritage setting: The application does not consider the potentially harmful impact on the many heritage assets surrounding the site of which there are circa 26. CPRE advised that Historic England should be consulted as part of the planning process.
- Discrepancy over agricultural land classification: The field was previously classified as Grade 2 and 3 agricultural land. A separate soil study commissioned by the developers has downgraded it to Grade 3b. There are concerns about the credibility of the developer's study, and clearly this is relevant given Government guidance against developing solar farms on good agricultural land.
- A lack of consultation: Residents feel that they have been given scant opportunity to discuss the proposal with the developer or planners. Note was made that Ulcombe Parish Council have rejected the application, Cllr Jenny Whittle has written a letter of objection, and the two borough councillors are opposed.

"I would be grateful if you could please ensure that the concerns above are considered in relation to the application. This is an important issue for local people and, whilst support exists for the general principles of generating sustainable energy, the suitability of this particular location for such activity is questionable."

**4.7 County Councillor Jenny Whittle states:**

"I write regarding the above application, and hope that it will be rejected by the Planning Committee for the reasons outlined below.

**Archaeological and Historic Landscape Impact**

Great Tong Farm is situated in an area of immense landscape importance. This is a Special Landscape Area of the Low Weald and adjacent to the Greensand Ridge. A solar farm spanning 11.5 hectares would have a significant impact on the open countryside, breaching saved policies ENV28 and ENV34 from MBC's existing Local Plan. It also conflicts with National Planning Framework para 109, which stresses "protecting and enhancing valued landscapes".

The site would also need to be secured by a fence at a minimum 2m height and CCTV. As the developer concedes, there would be "a need to balance the visual impact of the proposed site...with the necessary security". The proposed screening could take in excess of 10 years to mature and will not address the concerns relating to landscape blight. The CCTV and fence would be seen from miles around, particularly from the Greensand Ridge.

The KCC Senior Archaeological Officer has expressed concern about the potential impact on the fabric of the historic landscape and on designated heritage assets. She has also highlighted shortcomings with photographic evidence taken as part of the applicant's submission, requesting that long range views may need to be considered in more depth, including views from the Greensand Ridge to the north, especially from Sutton Valance castle (Scheduled Monument 1013537) and Ulcombe Church (Grade 1 Listed).

Neither the HS nor the LVA seem to address sufficiently the long range visual receptors. Most photo viewpoints are nearby ones (paragraph 3.7 LVA) where screening from hedgerows and trees is likely to be more effective. It is long range views from the Greensand Ridge which could be most affected and only one photo viewpoint is taken from the ridge. There are several designated heritage assets along the Greensand Ridge which do need to be considered in either the LVA or in the Heritage Assessment.

The KCC Archaeological Officer has also said that the proposed development could have an impact on buried archaeology and on historic landscape features. This view is reflected in the landscape study commissioned by Ulcombe Parish Council and the submission by Kent Historic Buildings Committee.

### Flood Risk

KCC's concerns as stated in their submission relate to a lack of detail on appropriate drainage measures and the orientation of the panels potentially leading in cross contour discharge which is not optimal, and which may have greater erosive velocity and may require either additional measures across the contour to interrupt combined surface water flows. Run-off from the panels and soil erosion could lead to increased risk of flooding downstream towards Headcorn and threaten neighbouring properties. KCC as the Lead Flood Authority and the Upper Medway IDB have objected. The Environment Agency raised serious objections and twice urged the applicant to make contact with KCC as the Lead Flood Authority, which the Council did not action until 25th September when contacted by KCC. As Headcorn was badly affected by the flooding of December 2013, I am concerned about the risk of exacerbating flood risk in the village resulting from lack of appropriate drainage in place if the solar farm goes ahead.

### Ecological Impact

As I write, the KCC Ecological submission is not yet ready, so I have turned to the submission prepared by Protect Our Weald. They engaged Martin Newcombe, a Wildlife Management Consultant, who found a number of shortcomings with the evidence provided by the applicant. These include an incomplete newt survey conducted in May 2014, with the pond nearest the site not having been surveyed. Mr Newcombe identified the presence of European Protected Species, Great Crested Newts on the site. Ornithological studies for ground nesting birds were also apparently carried out at the wrong time of year, at the end of breeding seasons. It is also said that the presence of other protected species, including badgers, bats, brown hare and reptiles was also not properly surveyed. The Kent Reptile and Amphibian Group and Kent Wildlife Trust have both written to express concerns.

### Impact on Byway KH626

Construction and maintenance traffic would approach the development from the south-west Maidstone Road approach. The surface of Byway KH626, in common with similar routes in the area, is already in a poor condition for heavy vehicular traffic. The KCC Public Rights of Way Officer has requested details of planned surface improvements needed before construction begins, any repairs needed following construction and minimum surface standard conditions required once the site is operational are needed. The applicant's team has rejected entering into a Unilateral Undertaking (UU) or bond (i.e. upfront monies paid to ensure that if the developer goes into liquidation or ceases to operate for another reason, the road can be put back to at least the condition it was in previously without cost to the local taxpayers). The Public Rights of Way Team have objected to this application due to lack of forthcoming information about protecting this popular byway.

A general theme running through statutory responses from Kent Police and KCC departments is the lack of information accompanying this application. There has also been a lack of proper engagement and consultation with Headcorn residents, elected Members and key statutory parties.

There appears to be a rush to secure solar subsidies before proposed changes to legislation. I would strongly urge Maidstone Borough Council to refuse this application - the benefits of renewable energy cannot possibly be balanced against the substantial harm to the landscape and heritage assets."

## 5.0 CONSULTATIONS

5.1 Amended details were submitted for this application on 14/1/16: all parties were re-consulted/re-notified. They cover a range of issues, principally: highways; public rights of way; drainage; agricultural land quality; landscape; security; heritage; ecology; and glint and glare.

5.2 On the original submission, **Kent Police** stated:

"I have considered the planning application detailed above with regards to Crime Prevention Through Environmental Design (CPTED) matters, in accordance with the National Planning Policy Framework 2012 (Section 7 Para 58 & Section 8 Para 69) and the DCLG Planning Practice Guidance March 2014 (Design Section - Paras 10 & 11) – Crime Prevention, the Kent Design Initiative (KDI) - Design For Crime Prevention document dated April 2013.

The applicant/agent has taken into considered crime prevention and they have demonstrated in most places the seven attributes of CPTED in their Design and Access Statement (D&AS), however they have omitted some basic crime prevention measures for example marking up the solar array panels and if they are stolen how would they be able to identify them (metal theft) I have sent to you via your email address for your information, a crime prevention letter that we originally sent out with the first application for solar array farms, in the letter are some more basic crime prevention measures that they should consider. There are others, for example alarming the inverter stations please pass the letter on if you feel it is necessary and of use to the applicant.

Alternatively if you have already undertaken pre-application discussions with the applicant/agent you might want to consider issuing a letter including the below statement:

The applicant/agent is advised to seek the input of the Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that all efforts are made to incorporate the principles of Designing out Crime (A Kent Design Guide for Developers Designers and Planners) into the high quality design of any proposal.

The contact details of the Kent Police CPDAs are ; John Grant & Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: pandcr@kent.pnn.police.uk Tel No- 01622 653209/3234.

Please be advised that the information contained within this response is provided by Kent Police Crime Prevention Design Advisors and refers to situational crime prevention. This advice focuses on Designing out Crime and improving Community Safety with regards to this specific development/planning application.”

A standard ‘crime prevention letter’ for solar farms was also sent that I have not included here.

On amended details: no further comment.

5.3 On the original submission, **Rural Planning Ltd.** stated:

“As you will be aware, 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. This study also looked at other areas of land nearby which fall outside the current application site.

The application site itself falls within a block of land ownership extending to just under 20 ha, mainly arable land, with the actual area of panels, by my estimate, covering just over 10 ha.

For this area, the ALC study found that the land comprises mainly Grade 3b (moderate quality), with a small area of Grade 4 (poor quality) in the south-eastern part. None of the land, therefore, is within the "best and most versatile" category.

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.

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.”

On the amended details: previous comments are confirmed.

5.4 On the original submission and amended details: **Historic England** states:

“This application proposes a photovoltaic solar array on agricultural land at Tong, near Headcorn and Ulcombe in Kent. The nearest listed buildings that may be affected by the current proposal encircle the application site and are typically separated from it by a single field. They include Little Tong and barn (both grade II), Great Tong (including barns, granary and oasthouse (all II)), Pheasant Farm (II), Little Ulcombe (II), and Jubilee Hall and barn (both II). There are other undesignated buildings which contribute to the rural character of the area that may also be affected by the current scheme, but we defer to your conservation officer and your archaeological advisors at Kent County Council to advise on any implications on undesignated heritage, including buried archaeology.

The topography of the landscape is low-lying and spacious and is dotted by shaws, ponds and streams: it is thus characteristic of the Low Weald. Many of the roofs of the above buildings are visible from the application site across this largely flat landscape and pass in and out of view behind shaws and hedges as you move around the site and the wider landscape.

The agricultural land that surrounds these buildings contributes something to the significance of these listed buildings by providing the context that explains their historical purpose. Where the ability to perceive the functional relationship between the listed buildings and their setting would be diminished, for example by changing the character of that agricultural land with the introduction of a solar array, we think this could result in some harm to the significance which they derive from that setting. We nonetheless think that any such harm in this case would be modest because of the topography of the land and position of the listed buildings in relation to the application site. In determining this application any harm to significance should be assessed and then minimised (para. 129), before being weighed against the public benefits of the application in the manner required by the NPPF, paragraph 134.

Rising up to the north of the site is the greensand ridge, with the grade-I listed All Saints' Church perched on its south side, from which panoramic views of the patchwork of fields of the Low Weald can be enjoyed. The church is nonetheless set at some distance from the site and although the panels would be visible from there, we suggest that they are unlikely to be a dominant feature of that important view.

#### Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be

consulted again. However, if you would like further advice, please contact us to explain your request.”

5.5 On the original submission, **The KCC Senior Archaeological Officer** stated:

“The site lies within an area of archaeological potential associated with multi-period activity. There are indications of prehistoric and Roman activity to the east and the site is surrounded by post medieval farm holdings some of which may have medieval origins. The site itself is virtually a single field but it is surrounded by an intricate pattern of small fields, small quarries, lanes, footpaths and utilised streams. The proposed development could have an impact on buried archaeology and on historic landscape features.

The application is supported by a Heritage Statement (HS) which provides baseline assessment data on archaeology, buildings and historic landscapes. The basic description of the known archaeological sites is reasonable but it would be preferable for a few issues be covered in more detail and the wide ranging impact of the solar farm on the historic environment needs to be more thoroughly considered.

In the HS, the geology and topography are more complex than suggested in 1.7 and 1.8. The BGS data we hold here suggests the solid geology is Weald Clay but it is overlain by two surviving outcrops/bands of River Terrace Gravels and there is a band of Alluvium following the current water channel forming the eastern boundary of the site. In addition, there are suggestions that this area is known for Bethersden Marble. River Terrace Gravels have potential for early prehistoric remains and I note some Palaeolithic flints have been identified nearby on the HER. There is potential for Palaeolithic archaeology on the site.

The topographical location of the site makes it favourable for prehistoric settlement and activity. The prehistoric industrial activity observed to the east of the stream has been noted but it should be clarified that in view of the number of recorded Mesolithic and Iron Age archaeological sites, there is potential for similar or associated remains to survive on the western side of the stream, within the application site.

Although this area is likely to have been woodland until the later Medieval Period, there may have been clearance for industrial workings, grazing and small scale quarrying. Some of the ponds may be former quarries and some of the field boundaries may be of medieval origin. This area has been gradually cleared for agriculture and Tong Farm itself is considered to be 16th century date or earlier. There are suggestions of Tong Farm being originally a moated manor complex. There are several small farms around the application site, including Little Tong, Jubilee Hall, Sparrow Hall, Peckham Farm and a lost farm of Ovenden. In view of the number of small farms and possible medieval sites, there is potential for medieval remains to survive within the fields.

With regards to historic landscape issues, there may be a need for further assessment work. The consideration of the historic landscape surrounding the historic farms, including Tong Farm, Jubilee Hall and Noah’s Ark Farm, has been rather limited. Although the site has been historically merged into one field, it is still part of a historic and complex field system and landscape used by many historic farm complexes. A landscape survey of Great Tong Farm itself by Dr Nicola Bannister provides some detail on the early landscape here and it would have been preferable for the heritage assessment to have included consideration of this Bannister assessment. The landscape associated with Tong Farm would have been far more complex and remnants of this early field system would be of local historic landscape



interest. In addition to Tong Farm, there are a number of post medieval farm complexes around the application site. This area still reflects a variety of landuse including small fields, smallscale industrial quarries, orchards, water meadows etc and many field boundaries and lanes. The character of the proposed development may have a detrimental impact on the surviving historic field system due to the scale and size of the development.

As well as the potential impact on the fabric of the historic landscape, there may be an impact on setting of the historic landscape and on designated heritage assets. Although some of the immediately adjacent setting impacts can be mitigated through hedgerows and trees, the long range views may need to be considered in more depth. For example, views from the Greensand Ridge to the north, especially from Sutton Valance castle (Scheduled Monument 1013537) and Ulcombe Church (Grade 1 Listed) need to be thoroughly considered.

Neither the HS nor the LVA seem to address sufficiently the long range visual receptors. Most photo viewpoints are nearby ones (paragraph 3.7 LVA) where screening from hedgerows and trees is likely to be more effective. It is long range views from the Greensand Ridge which could be most affected and only one photo viewpoint is taken from the ridge. There are several designated heritage assets along the Greensand Ridge which do need to be considered in either the LVA or in the Heritage Assessment. A high visibility scheme, such as this one, does need to consider long range views from key receptors. I would suggest that there needs to be photographic viewpoints taken from Sutton Valance Castle and from Ulcombe Church.

The LVA mentions in section 4.18 that some key heritage assets, including three Grade I churches and the Scheduled medieval moated site at East Sutton, are considered in the Heritage Assessment, however, they do not seem to have been included in the submitted version. They are not in Table EDP 4.1 of the HS, which lists "Designated Heritage Assets in the Wider Study Area" and I could not actually find any mention of churches or the Scheduled Monuments of East Sutton moat or Sutton Valance Castle. These designated heritage assets do need to be considered in more detail, preferably as part of the Heritage Assessment. An important issue is their sensitivity to the visual impact of the proposed scheme. The photo viewpoint approach taken by the LVA is important when considering the impact on the significance of the designated heritage assets.

In summary, although the Heritage Assessment does provide baseline assessment of known archaeological sites, including the historic farms nearby, it is slightly limited and I suggest the potential for prehistoric, Roman and medieval remains to survive on the site is greater than suggested.

The consideration of historic landscape issues is also rather limited and it would have been preferable for the historic landscape assessment to have utilised the landscape assessment by Dr Nicola Bannister. There may be no longer a visible, extant ancient field system within the application site itself but the surrounding landscape still displays small fields and boundaries, routeways and mixed land use which may date back to post medieval and sometimes medieval times. Due to the scale and size of the proposed development, there may be a detrimental impact on the historic character of the landscape in this area.

Of particular concern is the limited consideration of the impact on the significance of some designated heritage assets and their long range setting, and on the

significance of the historic landscape from long range views from the Greensand Ridge.

I recommend that prior to determination of this application, there needs to be more detailed assessment of the designated heritage assets located along the Greensand Ridge, mainly Sutton Valence Castle and Ulcombe Church. There also needs to be more assessment of the impact on the understanding and appreciation of the significance of the historic landscape when viewing from the footpaths along the Greensand Ridge.

It may be that mitigation for archaeological remains can be addressed through a condition but the impact on the setting of some designated heritage assets and on the historic landscape needs more detailed assessment.”

5.6 On the original submission, **The MBC Conservation Officer** stated:

“I am in agreement with the submitted Heritage Statement that there would be no adverse impact on the groups of listed buildings at Great Tong or Little Tong. With regard to the former the intervening distance and screening, both by planting and by modern farm buildings, should result in no intervisibility. At Little Tong screening is currently provided by an orchard; there is, of course, no guarantee that this may not be removed in the future so a condition re boundary screening would be appropriate.”

On the amended details:

“I have read through the supplementary heritage assessment as set out in EDP’s letter of 23<sup>rd</sup> December and agree with its findings.

As regards any potential impact on the settings of Ulcombe Parish Church and Sutton Valence Castle which lie some 2.5 – 3 km away I consider that whilst the solar farm might be visible from them it would form such a small element in the extensive views that it would not have any significant impact and would not, in my view, cause harm to the significance of these designated heritage assets.

On the subject of below-ground archaeology I note the potential of the site as highlighted by the KCC Archaeological Officer’s comments. These comments suggest that archaeological matters could be suitably covered by a condition; bearing in mind the potential it might be best if this required a programme of works in advance of development rather than a watching brief. In terms of the historic landscape, the proposals respect existing field boundaries (which have already been altered on the application site) and in my view they will not cause any irreversible harm; any short-term visual harm will be minor.

Recommendation

I RAISE NO OBJECTION to this application on heritage grounds subject to conditions re the planting of suitable boundary screening and the execution of an agreed programme of archaeological works prior to construction.”

5.7 On the original submission, **KCC Highways and Transportation** stated:

“Thank you for inviting me to comment on this application. In highway terms this byway is classified as a private street and I would recommend that this authority’s public rights of way section is consulted.

In terms of traffic generation of the completed proposal I do not consider that there are grounds to recommend a refusal to this application. It is considered that the main issue is that of construction and accommodating the ~80 HGV movements forecast to complete installation. I have visited Great Tong and consider that there are 5/6 passing places on the ~ 1.4km to the site access point. I have noted the wide margins to the byway on other sections and consider that the status/ownership of these margins needs to be confirmed. Land registry searches may help in this regard.

I consider that a key component will be to undertake agreed prior condition surveys of the access route and to establish an assured agreement that any damage to the byway and/or the margins are made good accordingly. Whilst I note from Section 4 of the Design and Access Statement that the submission of a Construction Traffic Management Plan (CTMP) and Construction Method Statement (CMS) is proposed as a condition to any planning approval notice; for assurance on this matter it is considered that a Unilateral Undertaking may also be helpful.

I would be grateful if further comment could be made on these issues by the applicant and if this authority's public rights of way section could be consulted, if not already done so, before completing my response on behalf of the highway authority."

On the amended details:

"Thank you for re-consulting me on this application. I am grateful for the additional information that has been submitted. I have studied the revised Design and Access Statement which includes a more detailed breakdown of anticipated HGV movements associated with the construction phase. I consider that the intensity of these movements is acceptable subject to the submission of a Construction Traffic Management Plan and Construction Method Statement by condition which should follow these anticipated movements.

I am also grateful for the examples of conditions submitted under which the applicant has previously operated. I consider that it would be appropriate and acceptable to follow one of these conditions as proposed below.

'Prior to commencement a condition survey of byway KH626 shall be carried out with a representative of the County's Public Rights of Way & Access Service and Development Planning Team. Within 1 month of the construction period ceasing a second road condition survey shall be similarly carried. Thereafter, any damage identified by the results of the two surveys shall be rectified by the applicant in agreement with the Highway Authority within six months of the Solar Farm being put on line. Should any damage occur during construction which affects the operation or use of the byway for any person, this shall be rectified forthwith.  
REASON: For operational, safety and maintenance purposes.'

Subject to the above I confirm on behalf of the highway authority that I have no objection to this application"

- 5.8 On the original submission, **The KCC Public Rights of Way and Access Service** stated:

"This development site is adjacent to Public Rights of Way that will be affected. I enclose a sketch map of the location.

I have asked the applicant for further details relating to Public Rights of Way in the area. In particular I would like details about the planned amount of traffic and type expected on the access drive, which is shared with Byway KH626. My understanding is that construction and maintenance traffic would approach the development from the south-west Maidstone Road approach. The surface of Byway KH626, in common with similar routes in the area, is already in a poor condition for heavy vehicular traffic. Details of planned surface improvements needed before construction begins, any repairs needed following construction and minimum surface standard conditions required once the site is operational are needed.

Secondly can the applicant confirm how close the development will come to PROW footpath KH582 and what security fencing is proposed at this boundary. I would also like details of the maximum height of installed panels and equipment.

As I have not received further details, I must object to the application. I would be happy to reconsider this decision should further information relating to Rights of Way detailed above be submitted.”

On the amended details:

“I am pleased to say that I am satisfied with the re-positioning of the fence bordering Public Footpath KH582 and also confirm that I am happy with the positioning of the inverter station, as shown on the Revised Block Plan.

I am also confirm that I am satisfied in regard the protection that the revised site drainage will give to the interests of the public footpath.

I therefore raise no objection to the proposal as regards these elements.

However, I remain very concerned with regard to the likely impact of the construction traffic on the condition of Byway Open to All Traffic KH626, known as Tong Lane. Although the path is available to all classes of traffic it has not been constructed to take a large amount of heavy construction traffic and I feel that a significant amount of damage is inevitable. I do not wish to stand in the way of the completion of the development but also require the interests of the public in regard to the use of the byway to be protected.

I therefore object to the proposal unless the position of the public as respects the byway can be protected by the inclusion of either one of the conditions set out below, which I believe meet the six tests required for such a condition. I would have a preference for the first condition as the applicant has already expressed an intention to repair any damage caused and a condition in this form would secure the position of the County Council whilst placing no additional time pressure or financial burden on the applicant.

CONDITION 'Prior to commencement of the development a condition survey of byway KH626 shall be carried out with a representative of the County Council's Public Rights of Way & Access Service (PROWAS). On completion of the construction period a second road condition survey shall be similarly carried out. Thereafter, any damage identified by the results of the two surveys shall be rectified by the applicant in agreement with the PROWAS and certified by them as being completed to a satisfactory standard prior to the Solar Farm being put on line. Should any damage occur during construction which, in the opinion of a representative of the PROWAS, affects the operation or use of the byway for any person, this shall be

rectified within one week of notice being given to the applicant. REASON: For operational, safety and maintenance purposes.'

Or

CONDITION 'Prior to the commencement of the development, the developer shall place with Kent County Council a bond of £50,000 (fifty thousand pounds) and a condition survey of byway KH626 shall be carried out with a representative of the County's Public Rights of Way & Access Service (PROWAS). On completion of the construction period a second road condition survey shall be similarly carried out. Thereafter, any damage identified by the results of the two surveys shall be rectified by the applicant in agreement with the PROWAS and certified by them as being completed to a satisfactory standard within a period of six weeks after which the bond is to be returned in full. Should such repairs fail to be carried out by the applicant within the specified period, Kent County Council is to carry out the repairs and return the balance of the bond on completion. Should any damage occur during construction which, in the opinion of a representative of the PROWAS, affects the operation or use of the byway for any person, this shall be rectified within one week of notice being given to the applicant. REASON: For operational, safety and maintenance purposes.'

Please note that this letter supersedes that written by Terry Drury on behalf of the County Council's Highways Department, dated 22nd January, in matters relating to Byway Open to All Traffic, the delegated authority for the management of which lies with the Public Rights of Way and Access Service."

5.9 On the original submission, **The Environment Agency** stated:

"Following further review we can now remove our objection on the above planning application.

Additional information

We strongly recommend that Kent County Council as the Lead Local Flood Authority is consulted on this development.

We also strongly recommend that the applicant should also consider how they intend to manage silt runoff from the site during construction, and incorporate this into their environmental management plan/procedures submitted with planning applications. Various silt mitigation options are available, for example balancing ponds, grassed swales or soakaways, Silt-buster units, silt fencing or sediment mats. I suggest that options selected are site-specific and take into account the geology and soil type, site characteristics, risk to and vulnerability of the local watercourses."

On the amended details: no further comment and no objection.

5.10 On the original submission, **The KCC Sustainable Drainage Engineer** stated:

"Thank you for consulting us on the above application. Applications for development such as solar farms 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.

The Council has previously received objections to this application from both the Environment Agency and the Upper Medway IDB in relation to lack of clarity on

mitigation measures provided to manage surface water. We have been requested to provide additional response in our statutory consultee role as LLFA.

The applicant has provided a Flood Risk Assessment which acknowledges the need to manage surface water flows off the solar panels. It is stated that any erosion potential can be mitigated by the maintenance of coarse vegetation, aggregate and geotextile support, but the document also notes that additional drainage control measures may be required. The applicant provides a description of additional drainage measures around the boundary of the proposed development, and recommendations to avoid soil compaction and erosion (paragraphs 6.16 through 6.22).

Though consideration seems to have been given to appropriate measures no drainage layout has been provided. The indicative site layout included as Appendix A does not show any drainage features. In addition, no specific information as to the size of the temporary open drainage channel mentioned in paragraph 6.17 is provided. We also note that the orientation of the panels may result in cross contour discharge which is not optimal, may have greater erosive velocity and may require either additional measures across the contour to interrupt combined surface water flows. Attenuation of any increase in surface water runoff may also be required. If this is the case, an outflow location will need to be designated.

We would therefore object pending the provision of further information to address these matters.”

On the amended details:

“We have reviewed the submitted addendum to the previously submitted flood risk assessment and are generally satisfied with its analysis and associated recommendations.

However, we would suggest that the following condition is attached to any permission granted to ensure that other concerned parties are similarly content, and to ensure that the design of the proposed attenuation, settlement and outfall structures are subject to review and approval prior to installation:

Condition:

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 S. M. Foster Associates Ltd, 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 to the receiving network at an agreed rate that does not exceed the rate of runoff from the existing site.

- (i) 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.

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 a watercourse or ditch's ability to convey water will require our formal land drainage consent (including culvert removal, access culverts and outfall structures)."

5.11 On the original submission, **The Upper Medway Internal Drainage Board** stated:

"The site of the above proposal, whilst being outside of the Upper Medway IDBs district, drains via an ordinary watercourse to Boarden Stream (U12), which is managed and maintained by the IDB, and onto the River Beult. The proposal therefore has the potential to affect IDB interests (by increased runoff and siltation of the downstream drainage system in particular).

I note and support the Environment Agency's objection to this proposal. Although the applicant has acknowledged the potential risks of increased runoff and soil erosion, and also recommended consideration of mitigation measures based on SuDS principles including a balancing pond, there is no definite proposal which demonstrates appropriate surface water management. The applicant should therefore be requested to provide further details which demonstrate that off site runoff can be attenuated to that of the pre-developed site, along with details of the SuDS future maintenance. Final details of drainage should be developed and agreed in direct consultation with KCC's Flood Risk Management Team."

On the amended details:

"As previously stated, whilst I have no objection to this proposal in principle, I do believe that it would be useful to develop an outline drainage proposal as requested by KCC's drainage and flood risk management team. I recall KCC lodging an objection against this application, and requesting further information in respect of drainage (mainly due to the cross-contour alignment of the solar panels).

As also stated previously, I feel sure that this matter could be dealt with relatively easily but, as the site is outside of the IDB's district, recommend again that the applicant develops an outline drainage plan in direct consultation with KCC's drainage and flood risk management team before this application is approved."

- 5.12 On the original submission, **Natural England** provided a response essentially raising no objection and directing the Council to its standing advice on such matters as protected species and ancient woodland.

On amended details: no further comment.

- 5.13 On the original submission, **The KCC Biodiversity Officer** stated:

“We have reviewed the ecological information which has been submitted and we advise that there is a need for additional information to be provided prior to determination of the planning application.

The following Ecological information has been submitted with the planning application:

Phase 1 survey of the site 2013

GCN survey and outline mitigation strategy

Ornithological Risk Assessment & Phase 1 Habitat Checking Survey Report.

As a result of reviewing the information we feel that, as the majority of the site is arable, the main impact from the proposed development (if granted) will be limited to GCN during the construction and decommissioning period and the loss of ground nesting bird habitat during the operational period.

Great Crested Newts

GCN surveys have been carried out (a mixture of eDNA and presence/likely absence surveys) as part of the planning application and it has confirmed that GCN have been recorded within ponds 500m from the proposed development site.

We provided pre application advice on this site and we made the following comments:

- There is a need to clearly identify limitations associated with the survey data – from reviewing the submitted information and other consultation responses we are not satisfied that the submitted reports have provided sufficient information clarifying why they are satisfied that the survey effort is sufficient to inform the determination of the planning application.

Potential limitations include:

The surveyors were declined access to a number of the ponds during the survey – we would expect the report to clearly address be updated to clearly explain why they are satisfied that it has not impacted the conclusions of the report.  
eDNA surveys not following standard NE methodology.

- The survey report needs to be updated to clearly show that, based on the current survey data, the ecologists have a good understanding of how the GCN use the proposed development site and surrounding area. This information would inform the detailed GCN mitigation strategy.

I don't believe there is a need for an updated GCN survey to be carried out as part of the determination of the planning application however the report does need to be updated to take these points in to account.

Mitigation



The applicants are proposing to use a precautionary approach to implement the construction of the solar farm – this is a route which has been used in other similar developments.

We do understand the reasoning for this method but in order for MBC to be satisfied that it is appropriate to use this method we would expect the detailed mitigation strategy to be submitted as part of the planning application.

This is a point we raise when we provided pre application advice in early 2015.

#### Breeding Birds

The proposed development will not result in the loss of hedgerows/trees and field margins but it will result in a loss of suitable breeding bird habitat for ground nesting birds – indeed skylark have been recorded within the survey area.

We question whether is there any potential to create skylark plots elsewhere within the landowners ownership. These plots plus the increase foraging habitat (due to the tussocky grassland) may provide a benefit to breeding birds within the area.

#### Reptiles

The original scoping survey identified that there was suitable habitat within the field boundaries which may be used by reptiles – however no survey has been carried out.

If the field boundaries are not being impacted by the construction of the proposed development we are satisfied that there is no requirement for reptiles surveys to be carried out as part of this application.

Please confirm where the fencing will be located – e.g. is it entirely within the arable fields or will it also be in the field margins. If it is going to be located within the field margins – please provide details of the area field margin which will be impacted and details about how this impacted will be mitigated.

#### Badgers

The scoping survey detailed there was potential for badgers to be present (although no evidence of badgers were recorded) however the 2015 phase 1 checking report is unclear. I'm unable to understand if the ecologist considered the presence of badgers during the updated survey.

There is a need for additional information to be provided detailing if the 2015 phase 1 checking report under took a badger survey – if so we recommend a summary of the findings is submitted.

The results of this information will inform any mitigation which is required as part of the planning application (if granted) – e.g. the inclusion of the badger gates at certain locations within the fence to ensure foraging routes are not disturbed.

#### Cable route

No information has been provided on the route of the cable once it leaves the proposed development site. As such it is unclear what the impact the works to dig the cable trench will have on protected/notable species.

Please provide a map of the proposed cable route to enable us to review and identify if there is a need for an updated scoping survey to be carried out on the route. If

required we would expect the survey to be carried out prior to determination of the planning application.”

On the amended details:

“As detailed within our response below we accept that there are a number of limitations with the submitted survey data however due to the type of development we are satisfied that the survey results and outline mitigation strategies are sufficient to enable MBC to fully consider the impact the proposed development will have on protected/notable species when determining the planning application.

As detailed previously as a result of reviewing the submitted information we feel that, as the majority of the site is arable, MBC needs to consider the impact on GCN during the construction and decommissioning period and the direct loss of ground nesting bird habitat during the operational period.

#### Great Crested Newts

GCN surveys have been carried out (a mixture of eDNA and presence/likely absence surveys) as part of the planning application and it has confirmed that GCN have been recorded within ponds 500m from the proposed development site.

The results of the survey confirm that GCN are present within the surrounding area and may be present within the proposed development site. The site is currently an arable field and does not provide optimum GCN habitat however GCN are known to commute and (if suitable features available) shelter within arable fields. As such the greatest impact on the GCN population is likely to be during the construction period and must be considered by the determining authority when granting planning permission.

In order to mitigate any impact the applicants have proposed to implement a precautionary mitigation approach during the construction period to minimise the potential for GCN to be impacted.

There are a number of limitations associated with the survey data including:

- eDNA surveys did not follow current NE guidelines
- Access was not granted to all the ponds within the immediate area.

From reviewing the submitted report we are satisfied the survey data provides sufficient information to inform a detailed precautionary mitigation strategy.

The applicants have provided an outline of a precautionary mitigation strategy which confirms they have an understanding of the methodology which will need to be implemented. But if MBC are minded to grant planning permission we would expect a detailed mitigation strategy to be submitted as a condition of planning permission. Our original comments did request this information to be provided prior to determination but no information has been provided detailing at what time of year the construction work will be implemented (if granted) – as the methodology may change depending on the time of year it would be more appropriate for the precautionary mitigation strategy to be designed to be season specific.

We understand that additional information has been submitted by consultees which contradict the information provided by the applicant. The submitted information

details that the stream may be passable by newts at certain times of the year. We discussed this point with the applicant's ecologist and we are satisfied with their conclusions that the recommended precautionary mitigation approach will not change even if GCN are able to cross the stream.

### Decommissioning

It is likely that the decommissioning of the development (if granted) will have an impact on the GCN population. As such if planning permission is granted we advise that a condition is including requesting the following to be submitted and approved by the LPA prior to any decommissioning works being implemented:

- Ecological scoping survey
- Recommended specific species surveys
- Detailed mitigation strategies.

### Breeding Birds

No specific breeding bird survey has been carried out but there is suitable habitat within the site to be used by breeding birds.

At least 30 species of birds (within the UK) are known to nest within hedgerows and the development is proposing to retain and enhance this habitat within the site. As such we are satisfied that suitable hedgerow nesting habitat will be retained if planning permission is granted.

The development will result in a loss of potential ground nesting bird habitat and this impact cannot be mitigated within the red line boundary of the site. There is suitable habitat for ground nesting habitat within the surrounding area and instead of providing nesting habitat the applicant is proposing to create a wildflower meadow. As long as the wildlife flower meadow is managed appropriately it is likely to boost insect numbers and improved feeding habitat for breeding birds within the immediate area.

If planning permission is granted we would expect a detailed management plan to be submitted and include details of how the hedgerows and wildflower meadow will be managed to benefit nesting and foraging birds.

### Reptiles

The original scoping survey identified that there was suitable habitat within the field boundaries which may be used by reptiles.

The applicants have confirmed that the suitable reptile habitat will not be impacted by the construction of the proposed development as such we are satisfied that there is no requirement for a specific reptile survey to be carried out.

If planning permission is granted we would expect the precautionary mitigation strategy to include details demonstrating the measures which will be implemented to ensure no construction traffic impacts the field boundaries.

### Badgers

The additional information provided by the applicant has detailed that no evidence of badgers have been recorded within the site however from information provided we are aware that badgers are present within the immediate area.

From discussions with the planning officer I understand that there will be a gap under the fence. As there will only be earth under the fence it should allow badgers to create access points under the fence throughout the whole site.

Cable route

We understand that the route of the cable is not being considered as part of this planning application.”

5.14 On the original submission, **The Kent Wildlife Trust** stated:

“I have no objection, in principle, to the development. The Trust recognises that climate change poses a grave threat to wildlife and that renewable energy schemes, such as solar farms, will play an important role in combating this threat. I have no objection to the published proposals to mitigate ecological impacts and enhance local biodiversity. These should be secured by condition should the Council be mindful to grant permission.

However, the applicant has not described what measures will be taken to protect existing wildlife habitats during the installation of solar panels and associated infrastructure. Construction practices can vary significantly from site to site. Colleagues have observed such disregard for biodiversity interests where, far from achieving an enhancement, development has resulted in a net loss of local biodiversity. In some cases, soil condition has been damaged by compaction and capping to such an extent that the long term value of the land for agriculture may have been severely compromised.

If the Council is minded to grant planning permission, I urge it to require the submission for approval (before work commences on site) of a Construction Environment Management Plan. The CEMP should incorporate measures to protect habitat features (and the species supported by these habitats) during the construction of solar panels, fencing, access roads, construction compounds, service corridors and electricity substations and connection chambers. I would welcome the opportunity to comment on such details in due course.”

On the amended details:

“The applicant hasn’t addressed my principle concerns; nor, it seems, the concerns of KRAG, KCC Biodiversity Officer, many residents and possibly Natural England. In the absence of appropriate studies and justified mitigation measures in response to representations, the application is incomplete and doesn’t satisfy national and local planning policy considerations. I object to the grant of planning permission for the application in its current form.”

5.15 On the original submission, **The Kent Reptile and Amphibian Group** questioned the applicants’ methodology in terms of surveying for great crested newts; expressed concern at the conclusions that they would not be found on the application site; and questioned whether it is really the case that a great crested newt licence would not be needed.

On the amended details: despite the applicants’ submissions, significant concerns remain as to the methodology employed, incomplete survey work, and doubts are expressed as to whether the stream is actually a barrier to newt movement.

- 5.16 On the original submission, **MIDKENT Environmental Health** raised no objection subject to conditions to control potential noise from plant and machinery (in terms of potential impact on the residential amenities of local residents).
- 5.17 On the original submission and amended details **The MBC Landscape Officer** states:

“The proposed development is essentially located in a large low lying arable field which is fairly flat but falls gently towards the east of the site. Beyond the site to the north the land rises up towards the Greensand Ridge. The site is bounded by footpath KH582 to the south and by hedgerow to the north. The eastern boundary is comprised of mature hedgerow containing significant trees, with a block of designated Ancient Semi Natural Woodland to the north of two ponds, which are adjacent to this boundary on the east side. The western boundary consists of a uniform maintained hedgerow adjacent to an orchard. The northern portion of this site boundary, which currently appears open, has been planted up fairly recently with whips which will establish into a hedgerow.

The landscape is fairly typical of the Maidstone Landscape Character area (area 43, Headcorn Pasturelands) in which the site is located, although, it is clear that over the years the original smaller scale field pattern has been opened up to form the larger arable field which this is now the subject of this application. This is not consistent with one of the key characteristics of the landscape character, that being enclosed pasture. Therefore, this loss of the traditional field pattern and hedgerow boundaries effectively lessens the overall assessment of landscape quality.

There are no Tree Preservation Orders (TPOs) protecting trees on, or adjacent to, this site and it is not located within a Conservation area. However, as well as significant boundary trees, there are two mature individual trees growing within the southern portion of the site.

The Landscape Capacity Study: Sensitivity Assessment, January 2015 has assessed the Headcorn Pasturelands character area as being of high overall landscape sensitivity and sensitive to change. It describes the character area as follows:

Key Characteristics:

- Low lying landscape which forms part of the Low Weald
- Reservoirs along the foot of the Greensand Ridge
- Drainage ditches running southwards towards the River Beult
- Enclosed pasture
- Sparse development with scattered farms and small hamlets
- Dominance of mature oaks within pasture and as mature hedgerow trees

Landscape Character Sensitivity: High

Oak is notably dominant and the low lying landscape, with its ditches and ponds, provides a consistent pattern. There are some visual detractors, such as large scale barns, the busy Maidstone Road and recent linear development along its route. Habitat strength and connectivity are good with small scale hedged pasture with frequent ditches and water bodies. The traditional field pattern, mature standard oak trees, pastoral land use, isolated historic farm buildings and traditional buildings within the central core of Headcorn provide a strong sense of place. However there is a significant amount of recent and indistinct development which dilutes this slightly.

Visual Sensitivity: Moderate

Visibility is moderate. Whilst there are some long views across the Low Weald to the Greensand Ridge to the north, and open views of this landscape from the Ridge, intervening vegetation encloses many immediate views across the flat to very gently undulating landform. The population is concentrated within the key settlement of Headcorn and along Headcorn Road/Maidstone Road. There are also scattered properties and farmsteads throughout most of the area. This means there are relatively low numbers of people in residential properties with potential views of the landscape. There is a golf course and a well-developed footpath network. Overall there are moderate numbers of potential visual receptors.

Development potential is limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. Other development could be considered to support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate.

### Guidelines and Mitigation:

- Consider the generic guidelines for the Low Weald in the Maidstone Landscape Character Assessment 2012
- New development should respect the local vernacular in scale, density and materials
- Conserve the abundance of oak as a dominant species, and plant new isolated oaks within pasture and hedgerows to replace ageing population
- Conserve the pastoral land use and resist conversion to arable land
- Conserve and enhance the small scale field pattern and sense of enclosure
- Conserve the largely undeveloped rural landscape and the remote quality of isolated farmsteads
- Resist infill linear development along Maidstone Road
- Soften the visual prominence of large agricultural barns through native planting
- Enhance habitat opportunities around water bodies and ditches by promoting a framework of vegetation in these areas

The Landscape and Visual Appraisal (LVA) prepared by EDP follows the general principles of current guidelines. It assesses the effects of the proposed development upon the wider landscape resource as well as the effects on visual amenity. It does contain some inconsistencies but an appropriate methodology has been used.

The applicant has acknowledged that there is an error in the title block of Table EDP 2.5: Level of Effects Matrix, at the top of page 11 of the submitted Landscape and Visual Appraisal (EDP2964\_03a). 'Very High' has been misprinted several times in the title block at the top of page 11. Whilst this typographic error should be removed it doesn't change the 5 ratings which clearly remain as very high to very low.

From the higher Greensand Ridge escarpment to the north, along the Greensand Way, distant views of the site within the wider landscape are possible from specific viewpoints. The distance is such that the site forms a small part of the wider landscape and therefore the development proposal would cause a negligible/low visual change.

Closer to the site, the site becomes more visible from public viewpoints. Medium range views from Tilden Road to the east are largely hidden by the terrain and by intervening shaws and field boundaries. The PRoW running north west from Tilden Road, crosses the stream, and skirts the southern end of the application site. The path runs across the open field, without any tree or hedge cover, and there are full short range views looking north into the site. From the west views are filtered apart from the northern part of Tong Lane where there are reasonably full views towards

the site, although hedgerow planting has recently been put in place. Despite the fact that this will take years to provide a fully effective screen, it will certainly start to reduce the visual effect of the solar farm within 5-6 years of planting, once it starts becoming established. Views from the far northern part of Tong Lane and Stickfast Lane are generally unavailable but, closer to the site, there are filtered views, from the PRow which runs across farmland to the north of the site.

The most adverse effects will be experienced by users of footpath KH582 to the south of the site. From this path there are currently open views across the site extending up towards the escarpment. It is, however, clear from the revised Landscape Masterplan that the applicants recognise the openness of the site in short range views from the south and from the north west and have proposed a new native hedgerow to mitigate the effects. Whilst this planting will clearly help it will, in itself, inherently change the experience for users of this route.

In response to the LVA, Ulcombe Parish Council commissioned a Landscape Rebuttal Statement (LRS). It is clear that there are significant differences between the approaches taken by the consultants who produced the LVA and LRS and the conclusions reached. These are highly unlikely to be resolved.

Whatever the inadequacies of the LVA, there is sufficient information to enable consideration of the potential effects caused by the development proposal. It is concluded that, despite some inconsistencies, the broad principles and overall summary of anticipated landscape and visual effects are generally reasonable.

No arboricultural information has been submitted by the applicant but the layout is such that there is no proposal to remove any trees or hedgerows and there are unlikely to be any incursions into root protection areas. Therefore the details of tree protection can be dealt with by a pre commencement condition should the application be permitted. Likewise, implementation details for the landscape scheme, a maintenance programme and long term management plan, which extends up to and beyond the period of reinstatement once the solar farm ceases to function, can also be incorporated into the conditions.

Whilst the applicant's Landscape Masterplan schedules shrubs and trees that are broadly consistent with our Landscape Character Guidelines for the Headcorn Pasturelands landscape character area, I would suggest that a larger proportion of evergreen shrubs (Holly) and species which retain their leaves for a large proportion of the year (Hornbeam) should form part of the hedgerow planting to maximise the screening effect without compromising existing 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) 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 Numbers to be specified and indicated on landscape plan

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.”

## **6.0 APPRAISAL**

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

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

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

### **Principle of Development**

6.3 Energy use in buildings accounted for nearly half of UK carbon dioxide emissions in 2005 and more than a quarter of these came from the energy used to heat, light and run homes. The Government has set a legally binding target to reduce greenhouse gas emissions by 80% by 2050 based on 1990 levels and Government guidance for planning policy and Building Regulations reflect this target.

6.4 The Government's Renewable Energy Strategy was published in July 2009. This sets a legally binding target to ensure that 15% of our energy comes from renewable sources by 2020. The Strategy suggests that renewables could provide around 30% of our electricity consumption by 2020 (compared to around 5% today).

6.5 The National Policy Statement for Energy (EN-1) (2011), published by the Department of Energy and Climate Change sets out an overarching national policy



for energy. Whilst it relates principally to those energy projects that are of national significance (this development would not fall within that category), it is material because it describes the national approach to energy provision. It states that energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy. Producing the energy the UK requires and getting it to where it is needed necessitates a significant amount of infrastructure, both large and small scale set out in paragraph 2.1.2.

- 6.6 At paragraph 2.2.8, it states that to avoid the most dangerous impacts of climate change, the increase in average global temperatures must be kept to no more than 2°C, and that means global emissions must start falling as a matter of urgency. To drive the transition needed the Government has put in place the world's first ever legally binding framework to cut emissions by at least 80% by 2050, that will deliver emission reductions through a system of five year carbon budgets that will set a trajectory to 2050.
- 6.7 The National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011) provides further, specific advice relating to renewable energy.
- 6.8 The UK Renewable Energy Roadmap (2011) and its subsequent updates in 2012 and 2013 make clear the Government's commitment to increase the amount of renewable energy deployed in the UK. It says that this will make the UK more energy secure, will help protect consumers from fossil fuel price fluctuations, will help drive investment in new jobs and businesses in the renewable energy sector, as well as keep us on track to meet our carbon reduction objectives for the coming decades.
- 6.9 Specifically on the role that PV has to play in helping to deliver those objectives, the 2013 Update identifies it as one of the key renewable energy technologies that can help to create a balanced UK energy mix. There are significant advantages with solar PV, it says; it is versatile and scalable, with deployment possible in a wide range of locations including domestic and commercial buildings and where appropriate on the ground; solar projects can be developed and installed very quickly; and the fuel, solar radiation is free [para 179].
- 6.10 In April 2014, the then Minister for Energy and Climate Change wrote a letter to all Local Planning Authorities regarding the Government's solar PV strategy. Whilst reinforcing the drive towards renewable and solar energy, it explains that the focus should be on delivering solar energy on domestic and commercial roof space and on previously developed land. It states that there is still a place for larger-scale field-based solar in the UK's energy mix but need to be sensitively placed.
- 6.11 A Planning Update dated March 2015 by the then Secretary of State for Communities and Local Government, Eric Pickles to the House of Commons stated that the National Planning Policy Framework includes strong protection for the natural and historic environment and is quite clear that local councils when considering development proposals should take into account the economic and other benefits of the best and most versatile agricultural land. Yet, some local communities have genuine concerns that when it comes to solar farms insufficient weight has been given to these protections and the benefits of high quality agricultural land. As the solar strategy noted, public acceptability for solar energy is being eroded by the public response to large-scale solar farms which have sometimes been sited insensitively.
- 6.12 It goes on to set out that meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of

high quality agricultural land. When the Government published new planning guidance in support of the framework, they set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality.

- 6.13 The National Planning Policy Framework (NPPF) sets out an approach that is proactive towards renewable energy developments, is clearly supportive of proposals which generate renewable energy and it recognises the role which planning must play if the reduction in greenhouse gas emissions and renewable energy targets are to be met.
- 6.14 Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. In considering the issue of sustainability the NPPF requires due regard to be had to the three dimensions of sustainable development: economic, social and environmental. An economic role contributes to building a strong responsive and competitive economy including the provision of infrastructure; a social role relates to supporting strong, vibrant and healthy communities; and an environmental role by contributing to protecting and enhancing the natural, built and historic environment, and mitigating and adapting to climate change by moving to a low carbon economy.
- 6.15 In terms of the social aspect, the development would provide a sustainable source of energy for communities into the future. In terms of the economy, the development could be seen as a farm or farm diversification, providing both additional income and economic investment into the wider infrastructure enhancement whilst providing job opportunities during its construction and operational phase. In terms of environmental it is considered that the development would not have a significant impact on the wider landscape, and in promoting a major renewable energy source, would help to mitigate the impact of climate change and contribute to a low carbon economy. The application of the presumption in favour of sustainable development is addressed in the conclusion section.
- 6.16 Paragraph 93 indicates that planning plays a key role in helping to secure radical reductions in greenhouse gas emissions and providing resilience to the impacts of climate change. Paragraph 98 states that local authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy. It goes on to state that applications for renewable energy should be approved if impacts are, or can be, made acceptable.
- 6.17 Paragraph 112 states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
- 6.18 The NPPF also, as one of its core principles advises that local authorities should proactively drive and support sustainable economic development to deliver, amongst other things, infrastructure. In paragraph 19, it also indicates that the planning system should do everything it can to support sustainable economic growth and significant weight should be placed on the need to support economic growth through the planning system. In terms of supporting a prosperous rural economy, local plans should promote the diversification of agricultural rural businesses.

- 6.19 The National Planning Policy Guidance states that particular factors a local planning authority will need to consider in relation to solar farms include:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
  - where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
  - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.
- 6.20 The Council's Supplementary Planning Policy Advice Note dated January 2014 relating to large scale arrays sets out that such development should ideally utilise previously developed land, contaminated land, industrial land or brownfield sites and should avoid landscapes 'designated' for their natural beauty and/ or sites of acknowledged/recognised ecological/archaeological importance/interest.
- 6.21 Saved Policy ENV28 of the Maidstone Borough Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the character and appearance of the area and development will be confined to a range of development types that do not include renewable energy projects (mainly because these were not prevalent at the time of adoption in 2000). There are no saved policies that relate specifically to solar energy in the Plan. Policy ENV28 is not entirely consistent with the policies contained within the NPPF because the former does not allow for solar farms in the countryside whereas the latter does, in certain circumstances. This reduces the weight that should be given to any conflict identified with saved Policy ENV28.
- 6.22 This site is within the Low Weald Special Landscape Area and therefore saved Policy ENV34 applies: in such an area particular attention should be given to the protection and conservation of the scenic quality and distinctive character of the area and priority should be given to the landscape over other planning considerations. Again, this policy was written in the context of renewable energy projects not being prevalent at that time and the aims of the policy need to be balanced against guidance that promotes renewable energy projects in the right circumstances.
- 6.23 Policy DM28 of the emerging Maidstone Borough Local Plan (Renewable and low carbon energy schemes) provides general support for renewable energy development, subject to compliance with various criteria (with an acceptance that "parts of the natural landscape features and resources mean that there is a technical suitability" for such schemes - para 17.155 in the pre-ample). The Local Plan is emerging and has reached Regulation 19 stage and therefore is carrying more weight, but cannot be afforded full weight.
- 6.24 The application site is 'greenfield' land, in agricultural use but is not a designated site of natural beauty or designated ecological importance. However, this on its own does not automatically make the principle of development acceptable. An assessment has been carried out by the developers as 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 outside the definition of 'best and most versatile' agricultural land as set out by the Ministry of Agriculture, Fisheries and Food Guidelines for Agricultural Land Classification (1988). As such, it is considered that the site is appropriate for the proposed development.

- 6.25 In addition, agriculture would continue at the site, albeit that sheep grazing represents a much reduced intensity in use, and there would be biodiversity improvements that are described later in this report. The development would be temporary (although not short term) and a planning condition could ensure that the development was removed at the end of a 25 year period.
- 6.26 As stated above in the 'history' section, a screening opinion was adopted and issued on 31 December 2016 concluding that an Environmental Impact Assessment was not required for this project.
- 6.27 Overall having considered the matters set out above and the developer's submission the view is that there is no in principle reason why the site should not be suitable for development as a solar farm. However, it is necessary to analyse detailed impacts and these are set out below.

#### **Agricultural Land Quality**

- 6.28 The National Planning Policy Framework (2012) requires the presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the agricultural land classification) to be taken into account alongside other sustainability considerations. The framework expresses a preference for development to be directed to land outside of this classification (3b, 4 and 5).
- 6.29 Objectors make the point that previously developed land and land in less sensitive attractive locations should be utilised in preference to 'greenfield' sites such as this one. 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.
- 6.30 The applicants are required to demonstrate that the use of agricultural land is necessary, which is a different and less onerous test. The applicants have sought to do this in a document entitled 'Use of Agricultural Land Assessment'. That document points out that the Council's Planning Policy Advice Note recognises that it is likely that agricultural land will need to be utilised for solar arrays of significant scale. That guidance states:

"Ideally large scale solar PV arrays should be directed towards previously developed land (PDL)/brownfield sites, contaminated land, industrial land. There are few sites of appropriate status and size in Maidstone Borough. Large scale solar PV arrays should avoid landscapes designated for their natural beauty, sites of acknowledged/recognised ecological/archaeological importance/interest. It is therefore likely that such development will look to land currently in use agricultural use"

- 6.31 The applicants' report includes a search for alternative sites using: The National Land Use Database of Previously Developed Land (NLUD-PDL); The Maidstone Borough-Wide Local Plan 2000; and the emerging Local Plan and relevant evidence base studies. This has involved examination of the suitability of such areas and industrial estates to test suitability. The report concludes that the use of agricultural land is necessary in this case as alternative 'brownfield sites' would not be as suitable. The principle reasons for discounting being the inadequate size of such sites, inadequate expanses of roof on which to place equipment, wrong orientation of roof slopes, acquisition difficulties (in terms of the complexity of landowner/leasing arrangements); and in some cases conflicts with adopted policies. Clearly, other sites that constitute high quality agricultural land would conflict with guidance.
- 6.32 Having reviewed the applicants' submissions, it is concluded that there is sufficient evidence to demonstrate that the use of 'greenfield', agricultural land for the development is appropriate in this case. Consequently, it is necessary to determine the quality of the agricultural land. An assessment has been carried out by the applicants in to the quality of the application site as agricultural land. It found that the site comprises mainly land falling within Grade 3b as set out by the Ministry of Agriculture, Fisheries and Food Guidelines for Agricultural Land Classification (1988), with an area of Grade 4 land in the south eastern portion. The Council's independent consultant has scrutinised the submitted assessment and agrees that Grade 3b/4 is the appropriate classification for this site and thus does not constitute 'Best and Most Versatile Land' (where grades 1, 2 and 3a are). As such, it is considered that the site does not constitute the 'higher quality' land that planning policy seeks to protect. Objectors question the accuracy of the applicants' conclusions on this matter but the reports have been independently reviewed and there is no significant evidence that this land constitutes higher quality agricultural land.
- 6.33 It is therefore considered that the applicants have made a sustainable case that a rural location is required and that this is not best and most versatile land. The application site, therefore, is considered suitable for the proposed development.

#### **Landscape and Visual Impact**

- 6.34 In my view this is the most important issue for consideration with this application. It should be noted that the scale of the overall development has been significantly reduced since pre-application advice was received
- 6.35 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.
- 6.36 The NPPG acknowledges that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
- 6.37 The Council's Planning Policy Advice Note 2014 relating to large scale solar farms indicates that the landscape/visual impact of a solar farm is likely to be one of the most significant impacts of such a development.
- 6.38 Saved Policy ENV6 of the Maidstone Borough-Wide Local Plan (2000) states that in appropriate cases, the Council will require a landscape scheme, including surfacing and boundary treatments, to be carried out as part of development proposals. Where required, such schemes should:

.. Incorporate the retention of existing trees, woodlands, hedgerows, natural and man-made features which contribute to the landscape character or quality of the area; and

.. Provide a scheme of new planting of trees, hedgerows or shrubs as appropriate, using native or near native tree species, and wherever possible, native or near native shrub species.

6.39 Saved Policy ENV28 states that in the countryside, planning permission will not be given for development which harms the character and appearance of the area and development will be confined to a range of development types that do not include renewable energy projects (as at the time of adoption of the 2000 Local Plan renewable energy projects were not high on the planning agenda). There are no saved policies that relate specifically to solar energy in the Plan. Policy ENV28 is not entirely consistent with the policies contained within the NPPF because the former does not allow for solar farms in the countryside whereas the latter does in certain circumstances. This reduces the weight that should be given to any conflict identified with Policy ENV28.

6.40 The application site is within the Low Weald Special Landscape Area. Saved Policy ENV34 of the 2000 Local Plan covers Special Landscape Areas and states:

“In the North Downs, Greensand Ridge, Low Weald and High Weald Special Landscape Areas, as defined on the proposals map, particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the area and priority will be given to the landscape over other planning considerations.”

6.41 The Maidstone Landscape Character Assessment (March 2012, amended 19 July 2013) locates the site within landscape character area 43 (Headcorn Pasturelands). 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 oak trees within hedgerows and pasture, the hedgerow and ditch lined lanes, field ponds and isolated farmsteads. Visibility is moderate. Whilst there are some long views across the Low Weald to the Greensand Ridge to the north, and open views of this landscape from the Ridge, intervening vegetation encloses many immediate views across the flat to very gently undulating landform.

6.42 The landscape character area as a whole is described as having a good condition and a high sensitivity, with a guideline of conserve.

6.43 The Maidstone Landscape Capacity Study: Sensitivity Assessment (January 2015) considers that the area in general has a high overall landscape sensitivity and is sensitive to change, with a high landscape character sensitivity and a moderate visual sensitivity. It suggests that development potential is limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. Other development could be considered to support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate.

6.44 The applicant has submitted a Landscape and Visual Appraisal (LVA) with the planning application. This assesses the effects of the proposed development upon the wider landscape resource as well as the effects on visual amenity.

6.45 The LVA describes the site as being located in the agricultural landscape to the north of Headcorn and south of Kingswood. It comprises a field covering about 10 hectares,

which is framed by a woodland belt to the east and a public byway to the west. The site and immediate context lies in an undesignated landscape and is generally typical of the host landscape character area (Headcorn Pasturelands) with few landscape detractors. Overall the value of the site and its immediate landscape setting is considered to be high.

- 6.46 The LVA summarises that the level of effect on landscape character of the site itself would be moderate on the boundaries and there would be a beneficial effect on its landscape features through landscape and biodiversity enhancements. Effects of moderate or above would occur up to 0.5 km from the site where there is visibility to the proposals, diminishing with distance. The effects on the Special Landscape Area overall is assessed as minor. With regards to visual amenity, two residential properties closest to the site and users of the nearby PRow are considered to be receptors receiving a level of effect of moderate or more and where views of the site are likely to change to a notable degree. It is stated that these effects would be mitigated, to a large extent, by proposed hedgerow management and tree planting, and would not be overbearing. Topography and tree cover are considered to make an important contribution to the limiting of visual effects, even in close proximity to site boundaries. The LVA concludes that the limited adverse effects on both landscape and visual receptors, in combination with the enhancements proposed, results in the development being acceptable in both landscape and visual terms.
- 6.47 In response, Ulcombe Parish Council commissioned a Landscape Rebuttal Statement (LRS). This report seeks to demonstrate that the proposed development will have adverse landscape character and visual impacts which would cause significant and unacceptable harm. It considers a number of points which are stated as demonstrating the incongruity of the development and the weakness of the landscape and visual impact arguments put forward in the LVA. The LRS concludes that, in landscape character and visual impact terms, the harm caused by the development would outweigh the benefits.
- 6.48 It is clear that there are significant differences between the approaches taken by the consultants who produced the LVA and LRS and the conclusions reached. These are highly unlikely to be resolved. Whatever the inadequacies of the LVA, there is considered to be sufficient information to enable consideration of the likely landscape and visual effects caused by the development proposal.
- 6.49 The Council's Case Officer and the Landscape Officer have carried out their own analysis of the landscape and visual effects of this development proposal. This has included examining the site from short and medium range views from the public right of way and road network around the site. In terms of long range views, the nature of the terrain hereabouts and intervening obstructions to views mean that the only potential for significant long range views is from the Greensand Ridge to the north. Objectors have placed great emphasis on what they see as the negative impact of the development in views from those elevated positions. Officers have considered the impact from the ridge, including visits to Ulcombe Church and points along the Greensand Way to the west of that. The distance is such (around 2.5 to 3km) that it is very difficult to actually pick out the site for the development from those vantage points. In the opinion of your officers views from the ridge (and in other long range views) would be distant and form a small part of the wider landscape and, as such, the development proposal would cause a negligible visual change.
- 6.50 Closer to the site, the site becomes more visible from public vantage points. Medium range views from Tilden Road to the east are largely hidden by the terrain and by intervening shaws and field boundaries. Public right of way KH582 runs north west from Tilden Road, crosses the stream, and skirts the southern end of the application site. The

path runs across the open field, without any tree or hedge cover, and there are full short range views looking north into the site from that stretch of the path. From the west, particularly from Tong Lane, views are obstructed, or at least heavily filtered, by field boundaries, the orchard and buildings; however, there are reasonably full views towards the site from the northern part of Tong Lane but a recently planted hedge does provide some screening there. Views from the far northern part of Tong Lane and Stickfast Lane are generally unavailable; however, closer to the site there are views, filtered by hedging, from public right of way KH340 which runs across farmland to the north of the site.

- 6.51 Whilst the landscape is fairly typical of the Maidstone Landscape Character area (area 43, Headcorn Pasturelands), it differs in that over the years the original smaller scale field pattern has been opened up to form the large arable field which this is now the subject of this application. This is not consistent with one of the key characteristics of the landscape character, that being enclosed pasture. Therefore, this loss of the traditional field pattern and hedgerow boundaries effectively lessens the overall assessment of landscape quality.
- 6.52 It is clear from the revised Landscape Masterplan that the applicants recognise the openness of the site in short range views from the south and from the north west. Landscape mitigation is proposed. The main features of this are a new hedgerow with trees of indigenous species to be planted off the north east side of the footpath (ie between the path and the perimeter security fence), thereby linking the stream-side vegetation with the south east corner of the existing orchard. At the north western boundary of the site a new hedge would be planted around the site of the construction compound and the existing recently planted hedgerow there would be left to mature. At the northern boundary of the site the existing hedge would be 'gapped-up' as necessary. Tree species proposed involves oak, hornbeam, wild service and spindle; whilst hedging would involve hawthorn, hazel, field maple and holly.
- 6.53 With regard to 'glint and glare', glint is known as specular reflection and is the result of direct reflection of the sun. Glare is a continuous source of brightness from diffused light; a reflection of the bright sky around the sun that is less intense than glint.
- 6.54 In response to concerns expressed on this issue, the applicants state that the whole concept of efficient solar power is to absorb as much light as possible while reflecting as little as possible. Solar panels use high transmission, low-iron glass which absorbs more light and produces smaller amounts of glare and reflectance than standard window glass. Standard low-iron glass reflects approximately 7% of light, which is significantly lower than the reflectivity of other surfaces, including crops, grass, water and fresh snow. Against this background, and given position, size and design of the development I am not convinced that any glint and glare would be significantly harmful to the character of the countryside as to withhold permission. Also on the glint and glare issue, there is one aerodrome located within 15km of the site, Headcorn Aerodrome, which is located approximately 3.6km to the south east. The applicants state that a review of the circuit diagram for the aerodrome shows that the site is not located within or in close proximity to the circuit for take-off and landing and therefore it is not considered that the proposed development would pose a risk to pilots.
- 6.55 As stated above, landscape and visual impact is the most important issue for consideration with this application. In my consideration, there would be clear views into the development from the public right of way (KH582) at the site's southern boundary so as to cause some significant harm in those views, particularly in the construction phase and the short term (ie before the proposed new hedging there reaches maturity). There would also be more limited harm from views towards the site from the northern part of



Tong Lane (again, particularly until such time as recently planted landscaping reaches maturity). Other views into the site are much more restricted or filtered as to not cause significant harm. Having considered the applicants' submissions on the issue, the views of the Council's Landscape Officer and the representations of consultees, local residents, etc. I conclude that overall, taking into account the proposed landscaping mitigation measures, there would be moderate but localised harm to the landscape quality of the locality and moderate but localised harm to visual amenity.

- 6.56 The potential cumulative impact of this site with the existing solar farm at Lenham Heath and other prospective sites the subject of applications has been considered, the nearest being the (as yet undetermined) application at Pullen Farm to the south west in Staplehurst Parish. Due to the significant distances involved and the inability to view the sites together from a fixed vantage point without the need for an observer to turn their head, it is considered that, even if other applications were approved, there would be no cumulative visual impact on the landscape. Planning Practice Guidance states that in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero. Screening mitigation is proposed for the proposed development to minimise any visual impact on the landscape, its character and visual amenity.
- 6.57 Screening opinions have been sought for solar farms elsewhere. However, these have not materialised into submitted planning applications and thus cannot be taken into consideration as they may never come forward as applications.

### **Biodiversity Impact**

- 6.58 The Conservation of Habitat and Species Regulations 2010 (as amended) contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
- 6.59 The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the "three tests" under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
- There are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment";
  - there is no satisfactory alternative; and
  - the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

## Planning Committee Report

- 6.60 The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England. The fact that Natural England is not objecting to the application is not determinative of this issue as Natural England has referred to its generic Standing Advice for protected species.
- 6.61 Section 40 of the Natural Environment and Rural Communities Act (2006) states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
- 6.62 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environmental by minimising the impacts on biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are most resilient to current and future pressures.
- 6.63 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Where development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or compensated for, then planning permission should be refused. Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted. Opportunities to incorporate biodiversity in and around developments should be encouraged.
- 6.64 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources. Saved Policy ENV41 states that development will not be permitted which would lead to the loss of ponds, or which would harm their visual and wildlife functions.
- 6.65 In order for the development to be acceptable in biodiversity terms, the development should not cause unacceptable harm to biodiversity and should ensure that opportunities to incorporate and enhance biodiversity at the site had been taken advantage of.
- 6.66 Natural England has directed the Local Planning Authority towards its Standing Advice on protected species, which is material in the assessment of this application. Due weight has been given to it.
- 6.67 The applicants have submitted specialist reports on the subject of ecology. These principally involve a 'Preliminary Ecological Appraisal' (July 2013); an 'Ornithological Risk Assessment and Phase 1 Habitat Checking Survey Report' (August, 2015); and a 'Great Crested Newt Assessment' August (2015). These reports were supplemented with a 'follow-up' submission in early January which answers concerns voiced by consultees (as well as addressing other planning issues).
- 6.68 The application site principally involves a single field that has been used for intensive arable farming. As may be expected, the general results provided by the ecology reports conclude the site is of low ecological value. I agree with the Biodiversity Officer that the main impact from the proposed development would be the impact on great crested newts (GCN) during the construction and decommissioning period and the loss of ground nesting bird habitat during the operational period.

- 6.69 The GCN assessment makes it clear that it was not possible to survey all of the ponds in the study area. Access for survey purposes was not made available for all ponds identified. These ponds are identified within the assessment. However, the assessors considered that sufficient information has been obtained through the work undertaken to robustly assess the GCN population status in the study area and the likely impacts of development which may come forward within the application site.
- 6.70 On the evidence available the assessment considers it likely that two separate populations of GCN are present within the study area, one centred on ponds around the northern areas of the application site, and one to the far south of the application site. The survey results show that the population associated with the northern areas around the site would be a medium population size class. That to the far south of the site would be a small population size class on the evidence available.
- 6.71 In addition to GCN, other amphibian species were recorded during the survey effort. These include Smooth Newt *Lissotriton vulgaris*, Palmate Newt *Lissotriton helveticus* and Marsh Frog *Pelophylax ridibundus*.
- 6.72 The assessment states that GCN are known to be present in the study area, although their presence has not been recorded within the application site itself. No waterbodies would be lost to the development and impacts on terrestrial habitat would be limited. The site consists of arable farmland which is sub-optimal habitat. Impacts would be limited to minor permanent and temporary losses all of which fall well outside the core terrestrial habitat of known GCN breeding ponds. It is considered that no GCN licence would be required from Natural England as it is considered highly unlikely that GCN would be encountered during the construction phase.
- 6.73 The assessment states: "In summary, whilst known from the local area, it is considered that GCN do not represent a significant constraint to development. Subject to appropriate safeguards as described in this report consent could safely be granted."
- 6.74 The assessment proposes a GCN mitigation strategy, principally concerning suitable education and preparation pre-construction; and a precautionary approach to working during the construction phase with supervision from an ecologist where necessary. Post construction the land would be managed as grassland for the grazing of sheep delivering enhanced GCN terrestrial habitat.
- 6.75 On the issue of ground nesting birds, the proposed development would not result in the loss of hedgerows/trees and field margins but it would result in a loss of suitable breeding bird habitat for such birds (skylark have been recorded within the survey area). However, such a loss must be seen against the context of scheme that would replace arable land with a form of grassland. In addition to that the application proposes the formation of a wildflower meadow to the south of Public Right of Way KH582 (and therefore outside the area of the arrays) to provide foraging habitat for skylark and other ground nesting birds.
- 6.76 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". In my view the change in regime from an intensively managed arable field to grassland; with new hedgerows to be put in place and the formation of a wildflower meadow represents an ecological enhancement of the land.

- 6.77 The application, including specialist reports on ecology, has been fully considered by the KCC Biodiversity Officer: her comments are reproduced above. She is satisfied that subject to the various measures described in this report being controlled by planning conditions, no unmitigated harm would be caused to local biodiversity, including GCN and ground nesting birds, and that opportunities to enhance local biodiversity at the site would be appropriately taken up. Protect Our Weald commissioned an ecologist to carry out an alternative assessment of biodiversity at the site which is critical of the methodology and findings of the applicants' ecology reports; particularly so on the lack of specialist surveys on birds, badgers, bats, brown hares and reptiles and a perceived general lack of detail. The Biodiversity Officer has examined this rebuttal and all other relevant matters and concludes that the survey work carried out is adequate and that, given the characteristics of the site, the only specialist survey on particular species that is required is that of GCN.
- 6.78 Overall it is considered that subject to conditions, the proposed development would enhance the ecological value of the site, increasing biodiversity by improving habitat and increasing foraging potential. Conditions are listed below in the 'recommendation section'.

#### **Impact on Heritage Assets**

- 6.79 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving heritage assets potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.
- 6.80 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.81 Paragraph 132 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 6.82 Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial

harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

6.83 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

6.84 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.

6.85 The planning application is accompanied by a 'Heritage Statement' (and follow-up statement) which assesses the impact of the development on the setting of listed buildings and archaeology. The report points out that there are no designated or non-designated heritage assets on the site. The report uses a combination of 'Zone of Theoretical Visibility' analysis, combined with analysis of the National Heritage List for England and a site visit to conclude that only the setting of 7 listed buildings could be potentially sensitive: these all being Grade 2 listed and centred around Great Tong (to the south west), Little Tong (to the west of the site), and Pheasant Farmhouse (to the north). The report concludes that the impact would have negligible effects and the development would have less than substantial harm.

6.86 On archaeology, the report concludes that the site has a 'low' archaeological potential. In any case, even if archaeological deposits were present, the physical effect of the construction of the solar development would have minimal effect on these buried remains, by the very nature of the limited below-ground impacts of such schemes. Further archaeological investigation or mitigation, if deemed necessary, could be secured by a suitable condition attached to planning permission and completed in advance of, or concurrent with, construction. Any impacts on archaeological features would be extremely limited. For the most part, it is likely that any archaeology within the site would remain materially unaffected by such low-impact development, essentially amounting to preservation in situ, as deemed desirable by the NPPF.

6.87 I concur with the MBC Conservation Officer and with the submitted Heritage Statement that there would be no significant adverse impact on the groups of listed buildings at Great Tong or Little Tong (or indeed any listed building). With regard to the former the intervening distance and screening, both by planting and by modern farm buildings, should result in no intervisibility. Little Tong screening is currently

screened by an orchard. I also see that Historic England summarises the impact on setting of listed buildings in the area to be modest, stating:

“We nonetheless think that any such harm in this case would be modest because of the topography of the land and position of the listed buildings in relation to the application site”.

- 6.88 Objectors are critical of the application in terms of its perceived failure to take account of the impact of the development on the setting of heritage assets on the Greensand Ridge to the north, particularly Ulcombe Church and Sutton Valence Castle. Officers have considered the impact from the ridge, including visits to Ulcombe Church and points along the Greensand Way to the west of that. The distance is such (around 2.5 to 3km) that it is very difficult to actually pick out the site for the development from those vantage points. In the opinion of your officers the distance is such that views to and from those assets is so distant that the impact on their settings would not be significant. I note that Historic England has reached a similar conclusion.
- 6.89 On archaeology, the comments of the KCC Senior Archaeological Officer are of concern but, having considered the Heritage Report and consulted both Historic England and the MBC Conservation Officer, I take a different view. On the subject of below ground archaeology, she clearly considers the site to be potentially of more value than indicated in the Heritage Statement and I see that the very northernmost part of the site falls within an ‘Undated Ditch Enclosure’ area of archaeological potential. However, in my consideration the issue of potential archaeological remains can be adequately dealt with by a condition requiring a programme of works in advance of development. I see that in her concluding remarks she indicates that mitigation for archaeological remains could be addressed through a condition.
- 6.90 The KCC archaeologist also comments on the impact on the setting of heritage assets around the site and on the ridge: my consideration of these matters is dealt with above. With regard to her comments on the historic landscape, it seems to me that there will be no physical effects on the existing boundaries, surviving field systems, or any identified historic landscape features. It is also noted that this is a temporary development and, following the decommissioning of the solar scheme, the landscape would be restored to its existing state. In any event, this arable field is clearly not characteristic of the historic field pattern having, at some time, been cleared for the purposes of modern agriculture (in contrast to some of its neighbours).
- 6.91 Overall, I conclude that there would be less than substantial harm. As required by guidance this ‘less than substantial harm’ has been considered in the planning balance in the conclusion and has been weighed against public benefits of the proposal.

### **Flood Risk and Drainage**

- 6.92 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk.
- 6.93 The applicant has submitted a Flood Risk Assessment (FRA) and a subsequent Addendum to deal with comments raised by consultees. The application site falls within Flood Zone 1, although it borders the stream to the east which lies within Zones 2 and 3.

- 6.94 As confirmed by consultees, applications for development such as solar farms present three main risks to flood risk management:

Increased surface area of impermeable surfaces resulting in increased rates of runoff;  
Displacement of flood flows; and  
Soil erosion leading to reduced capacity of watercourse channels downstream.

- 6.95 The amended FRA states that solar panels of the type proposed do not normally lead to a reduction in the accessible permeable area of a site unless significant surface water channelling occurs. The FRA proposes to deal with this potential issue of channelling during the construction phase through the creation of a peripheral open drainage channel around the eastern and southern boundaries of the site with a small downstream pond to balance increased run-off and promote silt settlement. After construction the risk of channelling would be low but, for the operational phase of the development, a range of measures is put forward ie the upgrading and retention of the peripheral drain; installation of lateral drains; and the establishment of a regular drainage monitoring regime. The detail of this is expected to be covered by condition.
- 6.96 The FRA states that the site is outside of Zones 2 and 3 and does not encroach on any flood conveyance route: consequently there would be no displacement of flood flow. The issue of soil erosion and silting would be dealt with by the aforementioned pond (approx. 12m by 12m) which would be sited at the southern end of the site without encroachment onto the water course.
- 6.97 Looking at the latest responses received from the relevant consultees, there is now no substantive objection from The Environment Agency, The KCC Sustainable Drainage Engineer or The Upper Medway Internal Drainage Board. I consider there to be sufficient evidence here to conclude that the development would not lead to significant flood or drainage-related problems, in terms of increased run-off, obstruction of flood flows or soil erosion/silting. I consider that the detail of the drainage system can be dealt with by condition.

#### **Impact on Surrounding Residential Amenity**

- 6.98 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.99 Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 6.100 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 6.101 Noise from the plant and machinery associated with a solar farm is not generally considered to be a significant problem, not least as a solar farm has no moving parts. The only noise generating equipment on site would be within the substation and inverter stations and I estimate that the nearest residential property is over 200m from the nearest such station. The Council's Environmental Health Officer is satisfied that noise is unlikely to be problematic, but consider that conditions controlling noise should be attached to any planning permission to ensure that no harm is caused to nearby neighbours of the site.

6.102 Noise from the construction works is a consequence of development and thus a condition is recommended limiting work between 0730 and 1800 Monday to Friday and 0800 and 1300 on Saturdays.

6.103 The applicants state that the whole concept of efficient solar power is to absorb as much light as possible while reflecting as little as possible. I am satisfied that glint and glare would not have an adverse impact on the residential amenities of local residents. Subject to planning conditions, no serious harm would be caused to living conditions at neighbouring properties and this aspect of the development would be acceptable and compliant with relevant planning policies and guidelines.

### **Highways Impact**

6.104 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.

6.105 The applicants have submitted an assessment of traffic generation and highways impacts in their Planning and Design and Access Statements.

6.106 The applicants state that during the construction and decommissioning phases of the proposed development, access to and from the site would be via the A274 and Byway KH626 only, with no access via Stickfast Lane to the north. Delivery of components would be made using standard articulated or flatbed lorries with offloading by forklift or small mobile cranes if required. The majority of construction works would be undertaken using small scale construction plant suitable for operation on agricultural land. They envisage that further details regarding the construction phase and the management of such, including making good any damage to Tong Lane as a direct result of the proposed development would be submitted in the form of a Construction Traffic Management Plan (CTMP) and Construction Method Statement (CMS), both of which could be conditioned as part of planning approval. Once operational, the proposed development would not generate any significant traffic movements, with security and maintenance staff the only likely visitors. These visits would typically be made by small vans and/or 4x4 type vehicles and the frequency of visits is expected to be approximately 4 to 10 per year.

6.107 Once the solar farm was completed and operational the volume of traffic to maintain and operate it would, in my view, be negligible. The significant highways issues centre on the traffic (particularly HGVs) generated by the construction and decommissioning phases. Such traffic would access the site from the south via the A274 (ie from the south west) and then Tong Lane. The latter is a byway open to all traffic and I have seen from site visits that it is already used by farm and commercial traffic, as well as by residents. The applicants estimate the total number of HGV movements to be 168 over a 3 month period. I note there are no substantive



objections from the highway or public rights of way officers: the concern expressed centres on the impact of construction traffic on the physical condition of Tong Lane as a byway. Having considered all views submitted I am satisfied that this issue can be the subject of a condition requiring the developers to rectify any physical damage after works are completed aided by surveys before works commence and after they finish.

- 6.108 On that basis, subject to conditions, the proposed development would not have a significant highways impact on the local road network and would not cause significant danger to vehicles and pedestrians. There is likely to be inconvenience, but the NPPF sets a high test and requires highways impacts to be 'severe' before a decision maker can justifiably withhold planning permission on those grounds. It is considered that the potential impacts of the proposed development would not amount to 'severe'.

### **Crime Prevention**

- 6.109 A development like that proposed would clearly include a number of high value components and is relatively exposed. Kent Police has been consulted and has confirmed that such sites may attract unwanted attention from metal thieves and/or become targets for vandalism and criminal damage.
- 6.110 Kent Police raises no objection but advises that a number of crime prevention measures should be considered by the developers and these include fencing, defensive planting, appropriate alarms, CCTV, etc. Kent Police point out that some basic measures appear to be missing from the submitted scheme.
- 6.111 Clearly, the applicants would not benefit from an insecure site and they are experienced in operating sites like this. A number of the measures recommended by the Police would already be incorporated in to the scheme. Details of some have not been provided, although the application clearly provides the more basic features like fencing and CCTV.
- 6.112 Representations raise issues over site security and an increase in criminal activity and I consider it appropriate to impose a condition requiring full details of all security/crime prevention measures. Subject to this condition I do not consider there to be any sound reason to object on the issue of crime prevention.
- 6.113 Kent Police states that the gap between the base of fencing and the ground should be minimal. In this case, the gap would be 10cm to allow wildlife to enter and leave the site in accordance with the ecology requirements. Whilst acknowledging that it is a matter of concern for local people, the biodiversity benefits would outweigh the security risks associated with that gap, particularly given that a range of other security measures will be secured by condition, including CCTV.

### **Decommissioning**

- 6.114 National and local policy require that local planning authorities take in to account the normally temporary nature of the solar farms and the fact that planning conditions can require the removal of installations when they are no longer required. In this case, planning permission is sought for a period of 25 years, after which the site would be decommissioned, removed from site and the site returned to its former condition and use.

- 6.115 A planning condition securing the removal of the solar farm in line with a decommissioning strategy would be enforceable and would run with the site, rather than the current owner.
- 6.116 In addition, if electricity production from the solar array has permanently ceased for more than six months during the anticipated 25 year period, a condition is recommended that the array and all associated structures shall be removed and the ground reinstated to its original condition.

### **Other Matters**

- 6.117 Objectors are critical of the pre-application public consultation exercise carried out by the applicants saying that it was wholly inadequate. The applicants have submitted a Statement of Community Involvement to explain the publicity that was carried out. Whatever the inadequacies of that publicity exercise, such inadequacies do not constitute a valid reason for refusal of a planning application. The Council has carried out full consultation/notification on the formal application.
- 6.118 Whether the applicants are members of the Solar Trade Association is not material to the determination of this application.
- 6.119 Some objectors make the point that the application lacks detail and that too much detail is left to conditions. I am satisfied that sufficient information has been submitted to allow proper consideration. Where relevant, consultees have submitted comments indicating that they have had sufficient information on which to base their judgements and that conditions are an appropriate means of securing detail.
- 6.120 This application has been advertised on the basis that 'the proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.' The publicity period expires on 26/2/16.
- 6.121 Members should be aware that the National Planning Casework Unit has received a request to call this application in so that it can be determined by the Secretary of State rather than the Local Planning Authority.
- 6.122 This does not prevent the Committee from reaching a resolution on this application. That resolution will be related to the National Planning Casework Unit. It will then decide whether or not to call the application in.

## **7.0 THE PLANNING BALANCE AND CONCLUSIONS**

- 7.1 The proposal conflicts in some respects with some relevant saved policies 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.
- Significant weight should be afforded to the delivery of the amount of renewable energy being proposed here.
  - Significant weight should be placed on the economic growth that the proposal would bring, especially in this rural area and to the employment creation.

- Notwithstanding that the site is not previously-developed land and is agricultural land of grade 3b/4, the development of this site for a solar farm would be acceptable in principle.
- In my assessment of landscape and visual impact I concluded that overall, even with mitigation, there would be moderate but localised harm caused to the landscape character and moderate but localised harm to visual amenity and that would weigh against planning permission being granted. This makes this case finely balanced in terms of the benefits of renewable energy weighed against this harm to the Special Landscape Area.
- Whilst great weight should be given to the conservation of heritage assets, there would only be slight harm to the setting of listed buildings and this harm would be less than substantial in nature.
- The development would be acceptable in terms of biodiversity, heritage impacts, the impact on neighbours' living conditions, highways, flood risk and crime prevention, subject to appropriate planning conditions, which are recommended. In relation to biodiversity, taking into account mitigation measures, there would be likely to be an improvement and enhancement of the ecological value of the site.
- A large number of local people have objected to this application. It is the nature, rather than the amount of objections that should be considered.
- Overall, applying the s.38(6) test, I consider that, on balance, the planning benefits which are likely to arise from this proposal outweigh the disbenefits and adverse impacts. For that reason, I recommend that permission be granted. However, furthermore, I also conclude that the three dimensions of sustainable development are met in this case and the presumption in favour of sustainable development should be applied in this case. I consider that the adverse impacts of granting permission for this proposal are significantly and demonstrably outweighed by the benefits of the proposal when assessed against the policies in the NPPF taken as a whole. I recommend therefore that planning permission should be granted subject to conditions.

## **8.0 RECOMMENDATION**

8.1 Subject to referral to The National Casework Unit and no new material planning issues being raised as a result of the publicity of this application as a departure from the provisions of the development plan (publicity period expires 26/2/16), I be given delegated powers to grant planning permission subject to the following planning conditions:

## **9.0 PLANNING CONDITIONS**

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 following approved plans:

10420-001/R2 Location Plan) received 18/8/15

10420-003/R1 (Proposed Access Route) received 18/8/15

## Planning Committee Report

10420-004/R1 (Solar Panel Elevations) received 18/8/15  
10420-005/R1 (Substation) received 18/8/15  
10420-006/R1 (Control Room) received 18/8/15  
10420-007/R1 (Storage) received 18/8/15  
10420-008/R1 (Fencing) received 18/8/15  
10420-009/R1 (Construction Compound) received 18/8/15  
10420-010/R1 (Inverter Station) received 18/8/15  
10420-002/R4 (Block Plan) received 14/1/16  
EDP2964/13C (Landscape Masterplan) received 14/1/16

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The planning permission hereby granted is for a period of 25 years from the date of first export of electricity from the development to the grid (the 'first export date'), after which the development hereby permitted shall be removed. Written notification of the first export date shall be given to the Local Planning Authority no later than 14 days after the event.

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. Prior to the commencement of the development a Construction Traffic Management Plan and Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Plans shall include full details of parking and turning arrangements and facilities for the wheel-washing of vehicles. The development shall be

## Planning Committee Report

carried out in accordance with the submitted Plans unless the Local Planning Authority gives its consent in writing to any variation;

Reason: In the interests of highway safety. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

8. Prior to commencement of the development a condition survey of byway KH626 shall be carried out with a representative of the County Council's Public Rights of Way and Access Service (PROWAS). On completion of the construction period a second road condition survey shall be similarly carried out. Thereafter, any damage identified by the results of the two surveys shall be rectified and certified by PROWAS as being completed to a satisfactory standard prior to the first export of electricity from the development to the grid. Should any damage occur during construction which, in the opinion of PROWAS, affects the operation or use of the byway for any person, this shall be rectified within one week of notice being given to the developer.

Reason: To ensure that the condition of the byway is not adversely affected by the development. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

9. 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.

Reason: To protect the living conditions of dwellings in the locality.

10. Prior to the first export of electricity from the site, 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: To protect the living conditions of dwellings in the locality. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

11. 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: To protect the living conditions of dwellings in the locality.

12. Prior to the first use of the electricity substation an acoustic report assessing the impact of noise 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: To protect the living conditions of dwellings in the locality. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

13. 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.

14. No development shall take place at the site before a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

15. No development shall take place until a scheme of measures to minimise the risk of crime that shall include details of the location and design of security cameras has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is first brought in to use and thereafter retained and maintained for the lifetime of the development.

Reason: In the interest of security and crime prevention. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

16. 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 application reports prepared by S. M. Foster Associates Limited, 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 to the receiving network at an agreed rate that does not exceed the rate of runoff from the existing site. The scheme shall include details of proposed implementation, maintenance and management and shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation; and 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. The scheme shall take full account of any existing land drains on and around the site;

## Planning Committee Report

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

17. 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.

18. 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.

19. No development shall take place until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place only in accordance with the approved details. All trees to be retained must be protected by barriers and/or ground protection. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority.

Reason: In the interests of tree protection. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

20. 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 species 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.

21. No development shall commence at the site before details of a scheme of biodiversity enhancements reflecting those set out in the submitted Preliminary Ecological Appraisal (July 2013); the Ornithological Risk Assessment and Phase 1 Habitat Checking Survey Report (August 2015); the Great Crested Newt Assessment (August 2015); the 'Response to matters raised during consultation document' dated 23/12/15; and the TNEI letter dated 5/1/16 have been submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for implementation and how land will be managed during the life of the development. These shall include (but not be limited) to the following:

- Grassland and pond management/establishment.
- Hedgerow enhancements.
- Provision of wildflower planting both within the site but also in the new wildflower meadow to the south of the site.
- Monitoring of the successfulness of the various measures proposed.

The scheme shall be carried out in accordance with the approved details and implemented for the lifetime of the development.



## Planning Committee Report

Reason: In the interests of protecting and enhancing biodiversity in and around the site. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

Case Officer: Geoff Brown

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