

**REPORT SUMMARY**

<b>REFERENCE NO - 15/503884/FULL</b>		
<b>APPLICATION PROPOSAL</b> Use of the land to provide a solar farm and its enclosure by fencing; with the erection of solar panels, along with the provision of associated transformers, switch gear housing and a substation.		
<b>ADDRESS</b> Land At Pullen Farm Staplehurst Road Frittenden Kent		
<b>RECOMMENDATION</b> Permit		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  <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. There would be no significant impact on heritage assets.</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>  <p>The recommendation is contrary to the views of Staplehurst Parish Council and Headcorn Parish Council and committee consideration has been requested.</p> <p>The development is a departure from the Development Plan.</p>		
<b>WARD</b> Staplehurst Ward	<b>PARISH/TOWN COUNCIL</b> Staplehurst	<b>APPLICANT</b> Novus Solar Developments Ltd <b>AGENT</b> Corylus Planning & Environmental Ltd
<b>DECISION DUE DATE</b> 29/09/15	<b>PUBLICITY EXPIRY DATE</b> 29/09/15	<b>OFFICER SITE VISIT DATE</b> 16/11/15
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>  <p><b>A screening opinion for this application was adopted and issued on 8 March 2016 based on the originally submitted plans and documentation; as amended by amended details received on 22/12/15. The opinion took into account all material considerations that had</b></p>		

arisen throughout the consideration 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.

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.1 This planning application relates to two irregularly-shaped agricultural fields with a combined area of approx. 20ha, located around 2.5km east of Staplehurst village. The two fields are separated by a relatively narrow corridor that is outside the application site. All of the land that would accommodate the solar farm itself is within Maidstone Borough; however, all of the 'construction access' and construction compound is within Tunbridge Wells Borough area. The more northerly of the fields involved is within Staplehurst Parish, whilst the southernmost is largely within Headcorn Parish.
- 1.2 This is land in the open countryside as designated in the Maidstone Borough-Wide Local Plan 2000. The southernmost field is within the Low Weald Special Landscape Area. The site is located within Landscape Character Area 44, Staplehurst Low Weald, as defined in the Maidstone Landscape Character Assessment, which is nested within the Low Weald landscape type.
- 1.3 In general terms these fields occupy a relatively remote position and form part of a tract of predominantly agricultural land between Chickenden Lane (to the north) and Staplehurst Road (to the south).
- 1.4 There is a scattering of residential properties along the country lanes that criss-cross this area. The main concentrations being those along Chickenden Lane to the north, Place Farm (off Water Lane) to the north east and Pullen Farm to the south.
- 1.5 The proposed solar farm development would be located within a low lying and gently undulating landscape. Whilst there are some long views to the Greensand Ridge to the north and the High Weald to the south, intervening vegetation encloses many immediate views across the gently undulating landform. The solar arrays would be sited within two fields; the northern field is bounded on the east by a meandering watercourse (the Maplehurst Stream) which also forms the western boundary of the southern field. Whilst the corridor that the watercourse winds through is fairly open in character the other field boundaries are generally characterised by hedgerow with scattered hedgerow trees and small blocks of trees or shaws. These give a degree of visual separation in a landscape that otherwise has a sense of being open and remote in nature. The landscape is fairly typical of the character of the area in which the site is located and, over the years, the original smaller scale field pattern has been opened up to form the larger arable fields which are now the subject of this application.

- 1.6 There are no Tree Preservation Orders (TPOs) protecting trees on, or adjacent to, this site and it is not located within a Conservation Area.

## **2.0 PROPOSAL**

- 2.1 Full planning permission is sought for the construction of a solar farm on the aforementioned fields with a combined site area of approx. 20ha, although the fenced area would be approx. 15ha. This would be for a period of 35 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 10MWp. It is estimated that the development would generate electricity equivalent to the annual needs of around 3029 houses. In relation to connection to the grid the indicative grid connection point is not indicated in this application. The exact connection route would need to 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 lightweight metal frames anchored into the ground. The panels would be inclined to face south and would allow for sheep grazing under and around the frames. The maximum height of the arrays above ground level would be 2.5m. The panels would be of a non-reflective blue/black colour.
- 2.4 There would also be ancillary works involving a substation off the east side of the access track at the southern end of the land, with structures to house transformers and switch gear housing at various points around the two fields. All of these are small, container-style structures with flat (or near-flat) roofs with a height range of approx. 2-3m. There would also be underground cabling; access tracks; security fencing and gates; security cameras on poles; and a temporary construction compound. All of the access tracks are located on the western margins of the site with 'operational access' to Staplehurst Road to the south via the existing farm track that leads through Pullen Farm.
- 2.5 The panels and the associated structures would be enclosed by a 2m (approx.) tall open mesh fence on wooden posts. A CCTV security system would be installed, with cameras supported on posts of up to 4m high at regular intervals around the perimeter fencing: details have not been fixed but they are normally placed on corners and positions to reflect any major changes of angle of the perimeter fence. Internal access tracks would be akin to farm tracks. No floodlighting or similar is proposed.
- 2.6 A range of landscape initiatives and biodiversity mitigation measures are proposed and are described within this report.
- 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 rolled hardcore and would be removed after construction/decommissioning. The construction compound would be located at an existing gate off the east side of Staplehurst Road, approx. 0.5km west of the Pullen Farm buildings. A temporary construction road would lead eastwards from the compound to join the Pullen Farm access track to the north of the farm

buildings: this is therefore the 'construction access' and is deemed necessary as the Pullen Farm track is relatively narrow and passes close to housing.

2.8 In terms of more general access arrangements, construction traffic would use the M20, then the A229, then Staplehurst Road.

### **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 for Maidstone Borough 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 Whilst for Tunbridge Wells Borough it is the Tunbridge Wells Borough Local Plan (2006) which has the following relevant policies:

- LBD1 - Development outside limits of built development
- EN1 - Development control criteria
- EN13 - Tree and woodland protection
- EN18 - Flood risk
- EN25 - Development affecting rural landscape

And the Core Strategy (2010):

- CP1 - Delivery of development
- CP4 - Environment
- CP5 - Sustainable design and construction
- CP14 - Development in rural areas

3.4 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.

3.5 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 its 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 2016 with the Examination in Public commencing in September 2016. 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

3.6 The Headcorn Parish Neighbourhood Plan (2015) has Policy HNP28 on 'Commercial energy generation in Headcorn' and The Staplehurst Neighbourhood Plan (2015) has Policy PW3 on renewable energy projects. However, both are currently at Regulation 17 stage (awaiting examination): their policies can therefore only be afforded very little weight at this time.

3.7 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 22/12/15: all parties were re-consulted/re-notified. They cover a range of issues, principally: drainage; landscape; and ecology.

4.2 On the original submission **Staplehurst Parish Council** stated:

“Staplehurst Parish Council recommend this application be REFUSED for the following reasons: access for construction would be disruptive and difficult; authorities should look to brownfield sites and public buildings before even considering greenfield areas; the parish councils position should be consistent with its opposition to the Great Pagehurst proposal; reservations were expressed about the adequacy of proposed security and the discussion of wildlife in the application; the proposed natural screening would not be effective for 8-10 years given the length of time taken for hedging to grow; the proposals would effectively industrialise the countryside in contravention of MBC policy ENV28 and could open the door to further development.

The Parish Council REQUEST that this application be reported to MBC Planning Committee.”

On the amended details:

“Councillors voted that the revised details did not change their recommendation of REFUSAL and for the application to be referred to MBC Planning Committee.”

4.3 On the original submission **Headcorn Parish Council** states:

“It was noted that this application actually affected three parishes, Staplehurst, Frittenden & Headcorn. The area proposed for development is around 19.8 hectares, which is somewhat smaller area than was first discussed. The scheme makes provision to include a Community Investment scheme, subject to agreement and investment by the local communities. If this does not go ahead all the site will be developed for commercial purposes. The commercial element of the proposed scheme includes a community pay back element which will be paid to the Parish Councils concerned.

The land is noted as being agricultural Grade 3 & 2 and not just arable land.

The Neighbourhood plan HNP 30 outlines the views of the Parishioners about solar energy and in summary no development shall:-

- should exceed 5 hectares in size
- require installation of new pylons
- development must be a minimum of 0.5 miles from any dwellings
- screening and landscaping must screen the development

The proposal has no detail on the connection to the national grid. Visual impact is a consideration as the proposed development would be visible from Green Sand Ridge. Positives of development were acknowledged, need for renewable energy, credit due to developers for consultation/design. Concern was raised regarding the “storage” of the energy produced.

Parish Council wish to see the application refused given that:-

- It is a blot on the rural landscape
- This is another development intruding on the nature of the village

## Planning Committee Report

- The development is 3 times larger than the HNP policy
- Land is better grade than originally stated and can be used in food production
- This is a greenfield site

The Council wish to see the matter referred to the Planning Committee and note that if Maidstone Borough Council are minded to approve the Council wish to see the following conditions applied:-

- Mature planting, consistent with local species & maintained for the lifetime of the Project
- Connection to the grid must be by underground cabling only
- Funding must be made available for decommissioning
- Ground anchors must be easily removed i.e. no cement rafts deployed
- Land should be classified as agricultural throughout the life 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.”

#### 4.4 On the original submission, **Frittenden Parish Council** stated:

“Councillors agreed to remain NEUTRAL on this application. However, they did wish to raise their concerns regarding increased traffic movement on Staplehurst Road and Frittenden Road during the construction stage.”

On the amended details:

“Councillors agreed to remain NEUTRAL. However, they wished to reiterate their previously raised concerns regarding the increase in traffic movement on Staplehurst Road and Frittenden Road during the construction stage.”

#### 4.5 Letters of objection have been received from 9 local dwellings and local residents group ‘Protect Our Weald’. The following (summarised) points are raised (on both the original and amended details):

a) The development would be contrary to Development Plan Policy, Central Government Guidance, various guidance notes and the Headcorn Neighbourhood Plan.

b) This development is an industrial form of development that would not be acceptable in the countryside. The development would be harmful to the character and appearance of the Low Weald Special Landscape Area. 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.

c) In terms of ecology, there would be an adverse impact on fauna and flora, particularly great crested newts, birdlife and other protected species. There is a need for proper survey work to be carried out as the submitted studies are inadequate.

d) On flooding issues, this area is prone to flooding and the development would make this worse. The development would increase run-off and cause flooding downstream. There would be erosion and silting from run-off. The River Beult may be contaminated.

e) The conclusions in the application documentation that the agricultural land quality is poor are disputed: the land is better quality than that. It is questioned whether

sheep would actually be able 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.

f) The development proposed would have significant negative impacts on the setting of listed buildings in the vicinity of the site. The historic landscape would be adversely affected.

g) The solar farm would encourage criminal activity.

h) The amenities of local residents would be harmed by noise during construction.

i) Traffic generated, particularly by HGVs during construction, would cause increased danger and inconvenience on local roads. There would be conflicts between vehicles and cyclists, horses, pedestrians, etc. Local roads and the proposed access arrangements are not suitable for this development. Local roads floods and would be hazardous to construction vehicles.

k) Technology is poor and solar farms are not efficient producers of electricity. There is no indication as to the proposed connection to the grid, nor is there sufficient information to conclude that decommissioning would occur in a proper manner.

l) There is significant local opposition to this development and it would have no benefit to the community.

m) The submission of additional material late in the day should mean that the application is invalid and should be resubmitted.

## 5.0 CONSULTATIONS

5.1 Amended details were submitted for this application on 22/12/15: all parties were re-consulted/re-notified. They cover a range of issues, principally: drainage; landscape; and ecology.

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

“We have noticed from the weekly planning lists an increase in the number of solar farm array planning applications around the whole County. However, we are unfortunately not always being specifically requested to provide comments from a policing aspect, in order to design out crime at the planning stage. We have also been made aware that there are at least another 60 of these planning applications in the process of being submitted to a number of Borough and District Planning Departments.

Such sites may attract unwanted attention from metal thieves and/or become targets for vandalism and criminal damage. As such, can we kindly request that your planning team inform us if they receive any future solar farm array planning applications, in order to help us ensure that we do not miss sight of such applications and the chance to comment. We will be writing to all of the Counties Planning Departments requesting the same.

When considering such applications, we would respectfully request that the following general crime prevention advice is considered in regard to crime prevention and Crime Prevention Through Environmental Design (CPTED) matters, in accordance



with the ODPM (CLG) / Home Office guide – Safer Places, The Planning System and Crime Prevention.

We appreciate that the majority of the following recommendations may be considered as planning detail, however the general site security, particularly of the boundaries, including fencing, gates and hedging etc is very important.

The site should be fully enclosed within a minimum 2m security fencing system (or higher) It is however, important that the gap between the base of any fencing and the ground is minimal, so that any equipment, such as the PV panels themselves or copper cable, cannot be easily passed underneath by thieves.

Additional defensive planting of natural hedging can also be considered around the boundary as an added layer of security.

All inverter, substation, transformer and control buildings/cabinets should be fully alarmed with a monitored system and covered by CCTV.

Appropriate security locks and devices should be installed on all equipment cabinets and associated buildings. Locking device screws/bolts should not be easily accessible when closed, to deter by-passing of the locks themselves by a determined offender. One way security clutch head security bolts/screws or similar can also be utilised to prevent easy removal.

Hinge pins for equipment cabinets, associated buildings and gates should be hidden when closed and/or fitted with anti-lift devices.

We recommend that all photovoltaic (PV) solar panels are individually security marked and all serial numbers recorded within a site inventory.

We recommend that the PV's are installed using one way security clutch head security bolts/screws or similar, as an added layer of security and in order to make removal more difficult for thieves.

Copper cable; transformers; inverters; switch gear and any other equipment of high value should be security marked. This can be achieved by using unique identifiers, such as serial numbers on the insulation sheathing and / or with the use of forensic marking solutions. A full equipment inventory should be kept.

Appropriate crime prevention/security signage warning of the use of CCTV and forensic marking solutions should be installed on the exterior face of the security fencing and any gates.

Given the amounts of equipment and copper cable likely to be on site during construction, it is essential that the site is secured and appropriate temporary alarm and CCTV systems are installed, particularly if a security guard is not to be employed during construction. Any plant and associated fuel bowsers should also be secured, alarmed and immobilised at the end of each working day.

We would also highly recommend that the developer meet with us to discuss security measures for any solar farm array applications.

We also suggest and recommend that a planning condition be applied when planning

consent is given in this way it will ensure that the developer will comply with minimum security, when it comes to Designing out of Crime as per the protocol dated April 2013 Kent Design Initiative (KDI).

We would suggest a condition worded something similar to the below:

The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason; In the interest of security and crime prevention and to accord with Policies of (Which ever Council/District) Draft Core Strategy Plan.”

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 soils in the proposed site area are typically derived from the underlying Weald Clay, and tend to be subject to naturally high ground water, being seasonally wet with impeded drainage in the winter and a propensity to set hard in the summer, restricting cultivation and yield potential, and limiting flexibility of cropping choice. Furthermore the application submissions for this particular site include a detailed agricultural land classification study, which shows the site to be very largely Grade 3b, with some land of poorer quality (Grade 4). The land quality is limited mainly by the interaction of soil type and wetness class. The land is not within the "best and most versatile" category.

Therefore, having regard to the NPPF and the NPPG, I do not consider this particular solar farm proposal represents a significant development of agricultural land. Should

it be considered necessary to use greenfield land for this development (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 grazing sheep.”

On amended details: no further comment.

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

“Thank you for inviting me to comment on this application. I am grateful for the work that has been undertaken within the construction management plan with respect to measuring traffic speeds, designing an appropriate access and undertaking swept path analyses to demonstrate its suitability. I am also grateful for the expected trip generation forecasts included for both HGV and staff movements. I consider that this work has been systematically and comprehensively undertaken.

I write to confirm on behalf of the highway authority that, subject to construction of this proposal being undertaken according to the Construction Traffic Management Plan, Revision D ref: ADL/AMC/H987/05A dated March 2015, I have no objection to this proposal. Of particular note in this document with respect to appropriate facilities and measures are those listed on page 6. I would add from paragraph 5.3 that a metalled surface should be provided from Staplehurst Road to the new gate proposed in order to reduce the migration of loose materials onto the highway and provide an appropriate interface. Collectively the access works will require further checking and authorisations from this authority to implement the proposed temporary construction access. This will most likely be done under a S278 agreement. I would be grateful, should this application be approved, if these points could be included in any approval notice.”

On the amended details: no additional comment.

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

“There are several public rights of way in the vicinity, including Public Footpaths WC247, WC246 and KM327, but none cross the site or are immediately adjacent to the site.

From the information supplied I do not believe the proposals will affect the public rights of way which are some distance from the site.”

On amended details: no further comment.

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

“The site lies within the Weald of Kent which is very much farming and rural landscape of Kent. The limited nature of the HER probably reflects the lack of formal archaeological investigations rather than a lack of archaeology and some recent investigations of such areas in Kent have revealed more intensive use of the land during the Bronze Age and Iron Age. The early OS maps suggest this area was subject to farming and horticultural from the post medieval period if not earlier.

The application is supported by a thorough Deskbased Assessment by Oxford Archaeology. This provides a good baseline assessment of the archaeological potential and I have no major comments on the report. In view of the number of

discoveries of Iron Age activity in these more rural areas, I suggest there is potential for prehistoric and post medieval remains and as such I recommend the following condition is placed on any forthcoming consent:

AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is satisfied that the requirements of this condition (including the timing of compliance) are so fundamental to the development permitted that such details must be submitted prior to the works, other than demolition works, commencing on site. This is because, at the time of granting permission, full details were not yet available but this information is necessary to ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record."

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

"The site lies relatively close to the Grade II listed Chickenden Farmhouse. However, I am in agreement with the conclusion to the Cultural Heritage Assessment carried out by Oxford Archaeology and submitted with the application that the development is unlikely to significantly affect its setting because of topography and screening."

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

"Thank you for consulting us on the above. We have no objection to the principle of the construction of a solar array at this location, however we do have the following comments to make.

#### Flood Risk

The flood risk assessment fails to fully address the impact of surface runoff from the proposed development and so there is a risk of increased runoff from the site. Consequently, the proposed development could result in increased flood levels downstream unless adequate drainage measures are also included.

Since April 2015, management of surface runoff from new developments is now a matter for Kent County Council (KCC) as Lead Local Authority. We therefore recommend you seek advice from KCC. We have no further comments to make on this proposal."

and later:

"Further to our letter to you dated 4 August 2015, the planning agent has contacted us for clarification on our response. Although we stated we had no objection to the application, we mentioned that we had some concerns with the Flood Risk Assessment (FRA). We recommended that you consult the Lead Local Flood Authority (Kent County Council) for their views, as these matters were within their remit rather than ours.

Our "no objection" position has not changed. However, for clarity, we have provided some comments below elaborating on our previous letter. We have made these

comments in discussion with KCC, and it will be for them to determine how they wish to pursue these points. We do not envisage that we will need to make any further comments on this application, however if you wish to discuss this further, please do not hesitate to contact us.

Detailed comments on the Flood Risk Assessment (FRA) by Hydro-Logic Services LLP ref QT7268/pr dated 13th March 2015:

P12. The first paragraph suggests the proposed ground cover will result in less runoff than the existing site, but no substantial evidence has been provided to support this statement.

There are three issues to be considered from development of solar farms on Greenfield sites which are:

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

#### Increased surface area

A grassland system would likely attenuate the runoff from solar panels but owing to the concentration of runoff beneath each structure, the runoff volume would be higher than that compared against rainfall over natural grassland. Research in the United States by Cook & McCuen (Hydrologic Response of Solar Farms." *J. Hydrol. Eng.*, 18(5), 536–541), suggested this increase would not be great but is an increase nonetheless. Other studies quantified this increase ranging from 1.5% to 8.6%, depending on site specific parameters.

For this site, taking a worst case increase in runoff of 8.5%, the additional runoff would admittedly be low but our preliminary calculations from 6.4ha of solar panels, would suggest a maximum attenuation storage of 290 m<sup>3</sup> could be required. It is important to note there are hundreds of properties downstream at risk of flooding from the River Beult. A few properties are at risk from less than a 10 yr return period flow event. It is therefore important to ensure there is no increase in rates of runoff or risk of reduced conveyance, as a result of any new development.

#### Displacement of flood flows

We have no concern regarding displacement of flood flows or loss of flood storage arising from this development.

#### Soil erosion

As for i), potential increased runoff is may be caused by concentrating the runoff along the base of each row of panels. Ultimately, this could lead to soil erosion, a subsequent increase in runoff and transportation of silt into the river system. This in turn will reduce the conveyance capacity of the receiving watercourse. Measures are therefore required to minimize the risk of soil erosion beneath each row of panels and to convey the concentrated surface runoff to the storage areas.

Specific comments in response to the FRA (please note, at the time of writing this section the planning portal was not working, therefore it was not possible to cross reference with the FRA. If there are any inaccuracies below, this is due to our not being able to refer back to the FRA.)

The applicant has proposed swales to attenuate additional runoff. It appears these “swales” may actually be retention ponds as they do not appear to have an outlet. If this is correct, drainage of the “swales” will be via infiltration. In the absence of a ground investigation, an estimated infiltration rate of 1mm per hour is reasonable for this site. What is not clear at present is whether there is an outfall to a receiving watercourse or whether infiltration will be the only mechanism for disposal of excess runoff. If reliance is only on infiltration, the swales are likely to fill following direct rainfall, thereby reducing the storage capacity. Once the ground becomes saturated, as it does during most winters, the rate of infiltration will reduce, subsequently reducing storage capacity. Infiltration structures should normally be designed with a half drain time of less than 24hrs.

A peak runoff of 75l/s has been estimated for the critical 6hr 100yr rainfall event (including an allowance for climate change). This is reasonable based on assumptions within the Wallingford (loH124) method. However, the volume of runoff has not been identified, neither has the capacity of the retention ponds. We do not understand why an estimate of only “5mm excess runoff” has been used when a number of methods are available to estimate the total runoff. We would normally expect the drainage strategy to estimate the total volume of runoff following the critical event, which would then be used to design the capacity of the attenuation or infiltration structures.

It is not therefore clear whether the proposed “swales” will be of the correct size. They should have an outfall to a receiving watercourse in the likely event that infiltration will not be sufficient to provide adequate drainage.

In general, further detail needs to be provided but we believe a feasible drainage solution can be developed. In terms of fluvial flood risk, we have no objection to make and would be satisfied for these details to be provided by condition. However, conditions regarding means of surface water drainage should be a matter for Kent County Council to consider.”

On the amended details:

“I note that the site is partially in flood zones 2 and 3 and our only concern was related to surface water drainage which I am aware is managed by KCC. We have no comments to make.”

5.9 On the original submission, **The KCC Flood Risk Project Officer** stated:

“As stated within the Environment Agency’s letter of 27th August, applications for development such as solar farms and polytunnels present three main risks to flood risk management:

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

In this instance we are generally satisfied with the conclusions of the accompanying FRA and the recommendations within, especially in light of the applicant’s consultant’s response to the concerns raised by the Environment Agency. However, we would recommend that further investigation is undertaken to establish the permeability of the ground beneath the areas where the proposed swales will be located (to ensure they are able to function as proposed). If they are unable to drain

naturally or quickly enough, they will most likely fill and remain saturated during periods of prolonged wet weather, offering none of the designed benefit.

To avoid the requirement for outfall structures, we would recommend that it is demonstrated that 50% of their available capacity is available within 24 hours of the calculated critical storm for the site, inclusive of the predicted effects of climate change.

Condition:

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

(ii) Development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

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

Reason:

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

Condition:

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

Reason:

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

Please note:

Any feature on this site capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' (unless it shown by the EA's mapping to be a designated 'main river'); we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function.

Any works that have the potential to affect the watercourse or ditch's ability to convey water will require the formal written consent of either KCC or the Upper Medway Internal Drainage Board (depending on location - including temporary works, culvert removal, access culverts and outfall structures)."

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 recommend that the main Condition we initially requested is still attached to any permission that your Authority may be minded to grant to this proposal; this is to ensure that all concerned parties are similarly content, and to ensure that the modular attenuation described within the addendum are subject to review and approval prior to installation.

For ease of reference, our previously recommended condition is as follows (slightly amended to reflect the findings of the latest report):

Condition:

(i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the recommendations within the reports prepared by Hydro-Logic Services, 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.

(ii) Development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

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

Reason:

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

Please note:

The watercourse running between and alongside the parcels of land falls under the jurisdiction of the Upper Medway Internal Drainage Board. Any works whatsoever in, under, over or within 8m of the banks of the watercourse will require their full, formal written Consent. They can be contacted at [enquiries@medwayidb.co.uk](mailto:enquiries@medwayidb.co.uk).

Any works that have the potential to affect any other watercourse or ditch's ability to convey water will require the formal written consent of either KCC or the Upper Medway Internal Drainage Board (depending on location - including temporary works, culvert removal, access culverts and outfall structures).”

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



“The site of the above proposal is within the Upper Medway Internal Drainage Board’s district and directly borders a considerable length of Maplehurst Stream (IDB10) which is managed and maintained by the Board. Any works proposed within 8 metres of this watercourse, including any fencing or planting, require the formal written consent of the Board (a copy of the Board’s byelaws is attached).

These developments can increase surface water runoff rates and cause channelling and soil erosion, which increases downstream flood risk. I note that the applicant proposes to manage runoff by introducing swales and berms. Should the Council be minded to approve this application it is requested that details of drainage be made subject to a planning condition requiring post-development runoff to be restricted to that of the pre-developed site for a range of event up to and including the 1 in 100 year event +CC, with details to be agreed in direct consultation with KCC’s Flood Risk Management Team. I would also be grateful to be consulted on the details of drainage in due course.”

- 5.11 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.

On amended details: no further comment.

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

“The ecological information submitted with the planning application has detailed that as the footprint of the proposed development site is arable it has limited suitability for protected/notable species. However as ponds were present within and adjacent to the proposed development there was concern that GCN may be present within the site during the construction period resulting in GCN being killed or injured.

As such great crested newt survey has been carried out and the survey concluded that two meta populations of GCN were present within the survey area.

The report has concluded that the proposed site is only likely to be used by commuting GCN as the habitats on site have negligible value as places of permanent shelter both during the spring/summer/autumn active period and winter hibernation period.

Upon completion of the construction of the proposed development GCN will be able to continue to commute across the site but as GCN are protected species (under the Wildlife and Countryside Act and the Habitat Regulations) there is a need to ensure that the proposed development does not result in GCN being killed or injured during the construction period.

To minimise the risk the proposed development has been designed to avoid a 50metres buffer from the edge of any ponds containing GCN and the ecologist has proposed to erect fencing around the site to prevent GCN from accessing the proposed development site during the construction period.

We did have concerns with this approach as the erection of fencing can require an EPS licence and the ecologist was proposing to carry out the works unlicensed. We queried this with the ecologist who stated the following:

In my view an EPS licence is not needed because the land directly impacted by construction is unlikely to be used by GCN for permanent shelter. All key

infrastructure has been off-set 50m from known GCN ponds (most newts will be found occupying suitable terrestrial habitats within 50m of their ponds) and is also located on agricultural that is subject to regular disturbance under the plough or by grazing animals i.e. land that is ordinarily unsuitable for GCN. In summary, the risk of construction adversely impacting GCN in their terrestrial life phases is very low.

Based on the submitted information and the additional information by the ecologist we are satisfied with the proposed precautionary mitigation.

Currently it is unknown when the proposed development, if granted, will be implemented. We advise that if planning permission is granted an updated mitigation strategy (incorporating the timings) is submitted as condition of planning permission.

#### Enhancements

One of the principles of the National Planning Policy Framework is that *“opportunities to incorporate biodiversity in and around developments should be encouraged”*.

The ecological scoping survey has recommended that the following ecological enhancements are incorporated in to the site:

- Enhancing the water-bodies as part of a management enhancement package for the benefit of wildlife by removal of scrub and silt.
- Ensuring appropriate buffer areas of rough grassland are created and managed around the water-bodies, as well as the stream, hedgerows and trees.

We advise that if planning permission is granted details of the proposed enhancements and how they will be implemented over the life time of the development is implemented as a condition of planning permission.”

On the amended details:

“A revised layout has been submitted demonstrating that a 50metre buffer will be located around all of the ponds within and adjacent to the site.

Our comments dated September 2015 were based on the assumption that a 50m buffer would be in place around the ponds. As such we have no additional comments to make.”

#### 5.13 On the amended details, **The MIDKENT Env. Health Officer** stated:

“There are few dwellings in the immediate vicinity and the site is approximately 2.5km from the three nearest major settlements Staplehurst, Headcorn and Frittenden.

Regarding potential light nuisance - A landscape and visual appraisal carried out by a Chartered Landscape Architect found no existing views of the site from settlements or public roads in the locality. The topography of the site is essentially flat and solar panels are designed to absorb rather than reflect solar radiation so glint and glare should be similar or less than local bodies of water.

Regarding noise, air quality & congestion issues from construction traffic - The existing narrow access off Staplehurst Road will not be used for construction

purposes because it passes very close to houses. The access route proposed is M20, A229 and Staplehurst Road then through an existing gateway into a purpose built entrance compound; so that construction vehicles should not be queuing on the highway. Arrivals will be scheduled to avoid morning school and work times. A Construction Traffic Management Plan (CTMP) is to be used to help minimise the impact of construction traffic. The site is outside the Maidstone Town Air Quality Management Area and I do not consider the scale of this development and/or its site position warrant an air quality assessment or requires an Air Quality Emissions Reduction condition applied to it.

The solar panels will be anchored in the ground and although the site has historically been used for agricultural purposes, I do not consider that a contaminated land condition would be appropriate in this particular case. The Maidstone Planning Policy Advice note regarding large scale (>50KW) Solar PV Arrays states (section 3.23), that top and sub-soil should be stripped from any temporary compound and stored on site for replacement, following completion of construction works; (in order to minimise soil damage and provide optimal conditions for site restoration). A methodology for soil stripping, storage and replacement should be provided.

The nearest dwellings are around 200m to the South of the site - inverters, switch gear, substations, transformers and control buildings/cabinets will have potential to produce low frequency noise which can travel quite far and so appropriate noise conditions should be attached to any planning permission granted.

### RECOMMENDATIONS:

No objection, subject to comments above plus conditions and informatives below.

### REQUESTED CONDITIONS:

#### LOW FREQUENCY NOISE

Prior to the first use of the electricity substation an acoustic report assessing the impact shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no loss of amenity to 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 Proposed Criteria for the Assessment of Low Frequency Noise Disturbance 2011. 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.

#### RATING LEVEL – NIGHT

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.

INFORMATIVES:

Construction

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

Soil stripping

The Maidstone Planning Policy Advice note regarding large scale (>50KW) Solar PV Arrays advises, that top and sub-soil should be stripped from any temporary compound and stored on site for replacement, following completion of construction works. In order to minimise soil damage and provide optimal conditions for site restoration, a methodology for soil stripping, storage and replacement of soil in any compound areas, temporary access roads and cable trenching, should be provided.”

5.14 **UK Power Networks and Southern Water** have no objection.

5.15 **The MBC Landscape Officer** stated:

“The proposed solar development is located within a low lying and gently undulating landscape. Whilst there are some long views to the Greensand Ridge to the north and the High Weald to the south, intervening vegetation encloses many immediate views across the gently undulating landform. The solar arrays are sited within two fields; the northern field is bounded on the east by a meandering watercourse which also forms the western boundary of the southern field. Whilst the corridor that the watercourse winds through is fairly open in character the other field boundaries are generally characterised by hedgerow with scattered hedgerow trees and small blocks of trees or shaws. These give a degree of visual separation in a landscape that otherwise has a sense of being open and remote in nature.

The landscape is fairly typical of the character of the area in which the site is located and, over the years, the original smaller scale field pattern has been opened up to form the larger arable fields which this are now the subject of this application.

There are no Tree Preservation Orders (TPOs) protecting trees on, or adjacent to, this site and it is not located within a Conservation area.

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

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

Key Characteristics:

- Low lying gently undulating clay landscape of the Low Weald
- Small fields with orchards, pasture, ponds and watercourses enclosed by thick native hedgerows create an intimate atmosphere

- Dominance of mature oak trees as imposing hedgerow trees and sometimes within fields where hedgerows have been lost
- Large scale open fields where hedgerows have been removed for intensive arable cultivation
- Sparse scattered small woodlands
- Winding roads with wide verges bounded by ditches and mixed native hedgerows
- Historic buildings scattered through the landscape and in the historic cores of Staplehurst and Marden

### Landscape Character Sensitivity: High

The coherent pattern of elements include the low lying landform, small fields with mature oaks, orchards, pasture, ponds, watercourses and the enclosure provided by thick native hedgerows. However the A229, large barns, large arable fields, static caravan developments, horse grazing paddocks and stables detract slightly. The ecological integrity is relatively strong because hedgerows, verges, ditches and watercourses provide a strong and well connected network. The cultural integrity is also good although the land use has changed in some areas to more extensive arable cultivation and hop gardens have been lost. Although many scattered farmhouses and hamlets respect the local vernacular and provide a very strong sense of place, recent and indistinct development at Staplehurst and Marden dilutes this slightly.

### Visual Sensitivity: Moderate

Whilst there are occasionally some long views to the Greensand Ridge to the north and the High Weald to the south, intervening vegetation encloses many immediate views across the gently undulating landform, except where hedgerow removal has created large open fields. Overall visibility is moderate.

Population is concentrated within the key settlements of Staplehurst and Marden, along with scattered properties and farmsteads throughout the area. This means there are relatively low numbers of people in residential properties with potential views of the landscape. Marden Meadow Nature Reserve and the network of footpaths are likely to attract moderate numbers of people with potential views.

### 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 oak standards within hedgerows to replace ageing species
- Conserve and enhance the hedgerows, ensuring that they are correctly managed and gaps replanted
- Conserve the pastoral land and orchards and resist conversion to arable land
- Conserve and enhance the small scale field pattern and sense of enclosure, encouraging restoration and management of historic field boundaries
- Conserve the landscape setting of historic settlements
- Conserve the largely undeveloped rural landscape and the remote quality of isolated farmsteads and hamlets
- Resist further linear development and intrusive elements along the A229
- Soften the visual prominence of large agricultural barns through native planting and encourage native hedgerows around commercial and housing developments

- Enhance habitat opportunities around water bodies and ditches by promoting and managing a framework of vegetation in these areas.

The Landscape and Visual Appraisal (LVA) prepared by Corylus follows the general principles of current guidelines. It assesses the baseline qualities and value of the existing landscape resource and the visual amenity of the site and its surrounding area and describes the outline development proposals, predicting the landscape and visual effects arising from the proposal. It is considered that an appropriate methodology has been used and that there is sufficient information within the appraisal to enable consideration of the potential effects caused by the development proposal. It is concluded that the broad principles and overall summary of anticipated landscape and visual effects are generally reasonable.

Whilst there are some long distance views from the site to the higher Greensand Ridge escarpment to the north and the High Weald to the south, the distance and intervening vegetation is such that views into the site from these areas only form a small part of the wider landscape and therefore the development proposal would cause a negligible visual change. The site becomes more visible in medium range views from public viewpoints. However, views of the arrays from the network of country lanes around the site are generally obscured, or at least, heavily filtered by field boundaries in this gently undulating landscape. There are only distant and heavily filtered views from footpath WC247 to the east of the site. To the north east of the site, views from KH260 (near Place farm) are again distant and heavily filtered. To the north, views from KM298 (near the end of Chickenden Lane) are more open and uninterrupted, as are views from KM327 to the north west and WC246 from the west and south west. Views from the south, in the vicinity of Staplehurst Road, are effectively interrupted by buildings and field boundaries.

However, it is clear from the revised Landscape Planting Plan that the applicant recognises the openness of the site in terms of medium range views from the north and west and have proposed new native hedgerow and small blocks of woodland planting (shaws) and the gapping up of hedgerows in the area south of the head of Chickenden Lane to mitigate the effects. The locations of new hedgerow and woodland planting to the northwest of the site have been designed to reflect the lines of historic hedgerows and to maximise ecological connectivity. Further south new hedgerow planting and woodland shaw planting has also been proposed to help screen views from the nearest footpaths.

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 consistent with our Landscape Character Guidelines for the Staplehurst Low Weald 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) 10%  
Corylus avellana (Hazel) 35%  
Euonymus europaeus (Spindle) 5%  
Ilex aquifolium (Holly) 15%  
Salix caprea (Goat Willow) 5%

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

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

Woodland Planting Mix (90-120cm whips or equivalent):

Acer campestre (Field Maple) 10%  
Alnus glutinosa (Alder) 20%  
Carpinus betulus (Hornbeam) 20%  
Corylus avellana (Hazel) 20%  
Ilex aquifolium (Holly) 10%  
Quercus robur (Oak) 10%  
Salix fragilis (Willow) 10%

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 form of 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 Part of 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-amble). 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. Studies for other solar farm sites have concluded that there are no other suitable/available sites of a similar size in an appropriate location. 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 35 year period.
- 6.26 As stated above in the ‘history’ section, a screening opinion was adopted and issued on 8 March 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 point 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 have not submitted a specialised report on the potential for alternative sites but have concluded that there is insufficient 'brownfield' land to provide a 10MWh scheme within the appropriate radius of the grid connection point. However, the Council is aware from recent reports into the Great Pagehurst and Great Tong proposals that the use of agricultural land is necessary in the case of proposed large scale solar farms in this general area 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 previous reports and 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 the site to be very largely Grade 3b, with some land of poorer quality (Grade 4) as set out by the Ministry of Agriculture, Fisheries and Food Guidelines for Agricultural Land Classification (1988). 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.
- 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 partly 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 site is located within landscape character area 44, Staplehurst Low Weald, as defined in the Maidstone Landscape Character Assessment, which is nested within the Low Weald landscape type. The landscape guideline for this area is conserve.
- 6.42 In terms of the Maidstone Landscape Capacity Study (LCS) sensitivity assessment 2015, Staplehurst Low Weald is assessed as being of high overall landscape sensitivity and is sensitive to change. The assessment states that development could be considered to support existing rural enterprises and existing commercial parks, although extensive, large scale or visually intrusive development would be inappropriate. Landscape character sensitivity is deemed to be high, and visual sensitivity moderate.
- 6.43 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.
- 6.44 The Landscape and Visual Appraisal (LVA) prepared by Corylus follows the general principles of current guidelines. It assesses the baseline qualities and value of the

existing landscape resource and the visual amenity of the site and its surrounding area and describes the outline development proposals, predicting the landscape and visual effects arising from the proposal. It is considered that an appropriate methodology has been used and that there is sufficient information within the appraisal to enable consideration of the potential effects caused by the development proposal. It is concluded that the broad principles and overall summary of anticipated landscape and visual effects are generally reasonable.

- 6.45 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 potential 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. The distance is such (over 5km) that, in the opinion of your officers, views from the ridge (and in other long range views) would be so distant, and the development would form such a small part of the wider landscape, that the development proposal would cause a negligible visual change.
- 6.46 At shorter range, the site becomes more visible from public vantage points. However, views of the arrays from the network of country lanes around the site are generally obscured, or at least, heavily filtered by field boundaries in this gently undulating landscape. Closer in, the network of public rights of way presents medium range views. To the east of the site, WC247 runs roughly north/south but presents only distant and heavily filtered views. To the north east of the site, views from KH260 (near Place farm) are again distant and heavily filtered. To the north, views from KM298 (near the end of Chickenden Lane) are more open and uninterrupted; as are views from KM327 to the north west and WC246 from the west and south west. Views from the south, in the vicinity of Staplehurst Road, are effectively interrupted by buildings and field boundaries.
- 6.47 Whilst the corridor that the watercourse winds through is fairly open in character the other field boundaries are generally characterised by hedgerow with scattered hedgerow trees and small blocks of trees or shaws. These give a degree of visual separation in a landscape that otherwise has a sense of being open and remote in nature. The landscape is fairly typical of the character of the area in which the site is located and, over the years, the original smaller scale field pattern has been opened up to form the larger arable fields which this are now the subject of this application.
- 6.48 The applicants recognise the openness of the site in medium range views from the north and west and landscape mitigation is proposed. The main features of this are new hedgerow and woodland shaw planting to the north west of the site; and the gapping up of hedgerows in the area south of the head of Chickenden Lane to further filter views from KM327. Also in that area new hedgerows would be created closer to the northern field of arrays to help restore lost boundaries and to provide further screening. Further south new hedgerow planting and woodland shaw planting would take place to the west of the southern field to help screen views from KM327 and WC246. Finally a new woodland shaw would be created off the north east corner of the site. Whilst the applicant's Landscape Masterplan schedules shrubs and trees that are consistent with the Council's Landscape Character Guidelines for the Staplehurst Low Weald landscape character area, the Landscape Officer suggests 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: this is reflected in the conditions recommended below.

- 6.49 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.
- 6.50 The whole concept of efficient solar power is to absorb as much light as possible while reflecting as little as possible. Studies which have measured the intensity of reflections from solar panels show that the reflections produced by panels are of intensity similar to or less than those produced from still water and significantly less than reflections from glass and steel. 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 an aerodrome located within 15km of the site, Headcorn Aerodrome, which is located approximately 3km to the east. The applicants state that "no significant detrimental impact has been identified which may affect the safe operations of aircraft from the Lashenden (Headcorn) Airfield." It is not considered that the proposed development would pose a risk to aircraft.
- 6.51 As stated above, landscape and visual impact is the most important issue for consideration with this application. In my consideration, there would be medium range views into the development from the Public Right of Way network to the north, north west and west of the site. Developments of this nature must cause harm to the character of the countryside, particularly in the short term (ie before the proposed new planting reaches maturity) but, given the mitigation proposed I consider the harm would be moderate. 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. There would be significant harm from the construction phase of this development as the compound and haul road would be clearly visible from local roads and the public footpath network. However, that would clearly be a temporary situation which would be rectified once construction was completed.
- 6.52 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 (refused) applications at Great Tong Farm to the north east and Great Pagehurst Farm to the west. 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.
- 6.53 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**

- 6.54 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.

- 6.55 The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the “three tests” under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
- There are “imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”;
  - there is no satisfactory alternative; and
  - the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range
- 6.56 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.
- 6.57 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’.
- 6.58 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.
- 6.59 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.
- 6.60 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



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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.

- 6.61 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.
- 6.62 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.
- 6.63 The applicants have submitted specialist reports on the subject of ecology. These involve an 'Extended Phase 1 Habitat Survey' (January 2014); a 'Protected Species Report' (April, 2015); and a 'Great Crested Newt Assessment' (April 2015).
- 6.64 The reports found that the application site principally involves fields that have been used as grassland (cattle pasture) and arable use which are of negligible value for protected species. As may be expected, the general results provided by the ecology reports conclude the site is of low ecological value. However, ponds on the periphery of the site and associated scrub, woodland buffers, the stream, hedgerows and mature trees are of greater habitat value and should be retained and protected. The main impact from the proposed development would be the impact on great crested newts (GCN) during the construction and decommissioning period.
- 6.65 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 consider that sufficient information has been obtained through the work undertaken to properly assess the GCN population status in the study area and the likely impacts of development which may come forward within the application site.
- 6.66 The GCN assessment concluded that two meta populations of GCN were present within the survey area. The report has concluded that the proposed site is only likely to be used by commuting GCN as the habitats on site have negligible value as places of permanent shelter both during the spring/summer/autumn active period and winter hibernation period.
- 6.67 Upon completion of the construction of the proposed development GCN will be able to continue to commute across the site but as GCN are protected species there is a need to ensure that the proposed development does not result in GCN being killed or injured during the construction period. To minimise the risk the proposed development has been designed to provide a 50m buffer from the edge of any ponds containing GCN and the ecologist has proposed to erect fencing around the site to prevent GCN from accessing the proposed development site during the construction period.
- 6.68 The applicants' ecologist is of the view that an EPS licence is not needed because the land directly impacted by construction is unlikely to be used by GCN for permanent shelter. All key infrastructure would be off-set 50m from known GCN ponds and is also located on agricultural land that is subject to regular disturbance under the plough or by grazing animals i.e. land that is ordinarily unsuitable for GCN. In summary, the risk of construction adversely impacting GCN in their terrestrial life phases is considered very low.

- 6.69 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. Amphibian-proof fencing would be erected around the construction compound/haul road and around ponds to protect GCN during the construction phase. Post construction the land would be managed as grassland for the grazing of sheep.
- 6.70 The reports state that the presence of skylark cannot be discounted therefore the Council has to take the view that the proposed development would be likely to result in a loss of ground nesting bird habitat. However there are buffer areas between the solar panels and the hedgerow/ditches/ponds and this area could be managed to create a rough grassland area. Although this would not provide suitable nesting habitat for ground nesting birds it would provide increased foraging habitat for nesting birds within the surrounding area. This could be addressed within the management and enhancement plans.
- 6.71 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 intensively managed farmland to sheep-grazed grassland; with new hedgerows and woodland shaws to be put in place represents an ecological enhancement of the land. In addition to that the submitted ecology reports indicate the enhancing of water-bodies as part of a management enhancement package for the benefit of wildlife by removal of scrub and silt; and ensuring appropriate buffer areas of rough grassland are created and managed around the water-bodies, as well as the stream, hedgerows and trees.
- 6.72 Currently it is unknown when the proposed development, if granted, would be implemented. The County ecologist advises that if planning permission is granted a detailed mitigation strategy should be submitted as a condition of any planning permission. Also that if planning permission is granted, details of the proposed enhancements and how they would be implemented over the life time of the development should form the basis of a condition.
- 6.73 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 that opportunities to enhance local biodiversity at the site would be appropriately taken up. Objectors are critical of the survey work but the Biodiversity Officer has examined all 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.
- 6.74 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’.

### **Highways Impact**

- 6.75 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.
- 6.76 The applicants have submitted a 'Construction Traffic Management Plan' that includes an assessment of traffic generation and highways impacts. The temporary construction access would be via an existing 'field gate' access onto Staplehurst Road, albeit substantially widened and with improved visibility. The construction compound would be created inside that with a haul road leading off eastwards towards the site.
- 6.77 The applicants state that during the construction phase of the proposed development, access to and from the site would be via the A229 to Staplehurst and then along Frittenden Road/Staplehurst Road to the site. Delivery of components would be made using HGVs to the compound with onward delivery along the haul road via tractor and trailer. The estimated number of HGV movements during the construction phase is 118. Once operational, the proposed development would not generate any significant traffic movements, with security and maintenance staff the only likely visitors. I understand that these visits would typically be made by small vans and/or 4x4 type vehicles and the frequency of visits is expected to be approximately 10 to 12 trips per year.
- 6.78 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. I note there are no substantive objections from the highway or public rights of way officers.
- 6.79 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'.

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

- 6.80 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.
- 6.81 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:

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- 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.
- 6.82 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.
- 6.83 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.
- 6.84 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.
- 6.85 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.
- 6.86 The planning application is accompanied by a 'Cultural Heritage Desk-Based Assessment' which assesses the impact of the development on the setting of listed buildings and archaeology. The report points out that there are no scheduled monuments or registered parks and gardens within the site or the wider study area.

There are no listed buildings on the site but there are eight Grade 2 listed buildings in the wider study area. The report concludes that the development would be unlikely to significantly affect the setting of the Grade 2 listed Chickenden Farmhouse (located approx. 300m to the north west of the intended site for the arrays). I am in agreement with the heritage assessment and the views of the MBC Conservation Officer that the development is unlikely to significantly affect the setting of that house (or any other listed building) because of topography and screening; particularly so, given that much of the proposed new planting is in that intervening area between that Chickenden Farmhouse and the arrays.

- 6.87 On archaeology, the report concludes that the potential for prehistoric, Roman and early medieval archaeological features to occur within the site is low. I see that the The KCC Senior Archaeological Officer raises no objection but recommends a condition requiring a programme of works in advance of development: in my view that would adequately address the issue of potential impact on archaeological remains.
- 6.88 With regard to 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.
- 6.89 Overall, I conclude that there would be no significant harm to heritage assets, archaeology or the historic landscape as a result of the development.

#### **Flood Risk and Drainage**

- 6.90 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.
- 6.91 The applicant has submitted a Flood Risk Assessment (FRA) and a subsequent Addendum to deal with comments raised by consultees.
- 6.92 Much of the application site falls within Flood Zone 1, although significant areas of the site that border the Maplehurst Stream are within Zones 2 and 3.
- 6.93 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.
- 6.94 On the runoff issue, the amended FRA states that the land at Pullen Farm is of gentle gradient and therefore it is believed that there is no significant risk of increased runoff as a result of the siting of the panels. However, as a precautionary measure, an allowance has been made for a 10% increase in runoff, with a further 20% allowance for the effects of climate change on rainfall and flow over the lifetime of the solar farm. Mitigation is required to address this precautionary approach and that would take the form of narrow lines of shallow 'swales' and 'berms' to be located on the margins of the arrays that border the stream (ie the south east side of the north field and the north west/west side of the southern field). The swales would be laid to grass

and would be approx. 0.3m 'deep' and, when necessary, the swales would drain to the stream through a series of orifices. The detail of this is expected to be covered by condition. I do not consider the swales, etc. would cause any significant harm to the character of the countryside.

- 6.95 With regard to the second issue, the Environment Agency have commented that it has no concerns regarding displacement of flood flows or loss of flood storage arising from this development. 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 proposed arrangement of swales and berms which effectively trap any displaced silt.
- 6.96 Looking at the latest responses received from the relevant consultees, there is now no substantive objection from The Environment Agency, The KCC Flood Risk Project Officer 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. Given the nature of the development proposed I do not consider that there would be a significant risk of pollution to the River Beult (into which the stream eventually flows). I consider that the detail of the drainage system can be dealt with by condition as recommended by The KCC Flood Risk Project Officer.

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

- 6.97 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.
- 6.98 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.
- 6.99 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.
- 6.100 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 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.
- 6.101 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. There would undoubtedly be noise and disturbance to local residents during construction/decommissioning but this would be for limited periods and I am satisfied that the problems would not be so great as to warrant refusal. The construction compound and haul road have been specifically located to avoid more direct impacts.

6.102 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.

### **Crime Prevention**

6.103 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.

6.104 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.

6.105 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.

6.106 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.

### **Decommissioning**

6.107 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 35 years, after which the site would be decommissioned, removed from site and the site returned to its former condition and use.

6.108 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.

6.109 In addition, if electricity production from the solar array has permanently ceased for more than six months during the anticipated 35 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**

6.110 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 regard the application as valid and 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.

6.111 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 will expire before the application is discussed at Planning Committee.

## **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 balanced in terms of the benefits of renewable energy weighed against this harm to the countryside generally and the Special Landscape Area.
- Whilst great weight should be given to the conservation of heritage assets, there would be no significant harm to the setting of listed buildings.
- 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, in my view there would be likely to be an improvement and enhancement of the ecological value of the site.
- The relevant Parish Councils and some local residents 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 – GRANT** Subject to the following conditions:

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

1070/01/V4 (Application Plan) received 27/5/15  
1070/10-1/A (Panels) received 27/5/15  
1070/10-2/A (Cabinets) received 27/5/15  
1070/10-03/A (Transformers) received 27/5/15  
1070/10-04/A (Switchgear/Substations) received 27/5/15  
1070/10-5/A (CCTV) received 27/5/15  
1070/10-6/A (Fencing) received 27/5/15  
1070/12-1/V2 (Pond Offsets) received 22/12/15  
1070/15/V3 (Landscaping) received 22/12/15  
1070/16 (Layout Plan) received 22/12/15  
Email from Corylus dated 7/3/16

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

3. The planning permission hereby granted is for a period of 35 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.

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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 cabinets, transformers, switchgear housings/substations, and perimeter fencing/gates; details of the proposed surfacing of access tracks; 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. Unless the Local Planning Authority gives its consent in writing to any variation, the development shall be constructed in accordance with the submitted 'Construction Traffic Management Plan: Revision D' (March 2015). Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. That Plan shall include timetabling for the removal of the compound and haul road and the restoration of the land to agricultural land. The development shall be constructed in accordance with the submitted Plan unless the Local Planning Authority gives its consent in writing to any variation;

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

8. 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.

9. 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.

10. 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.

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

11. Prior to the first use of any 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.

12. 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.

13. 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.

14. 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.

15. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed drainage scheme shall be based on the recommendations within the application reports prepared by Hydro-Logic Services, 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;

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.

16. 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:

The proposed plant specification is as follows:

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

Carpinus betulus (Hornbeam) 30%

Crataegus monogyna (Hawthorn) 10%

Corylus avellana (Hazel) 35%

Euonymus europaeus (Spindle) 5%

Ilex aquifolium (Holly) 15%

Salix caprea (Goat Willow) 5%

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

Sorbus torminalis (Wild Service Tree) 5%

Quercus robur (Oak) 95%

Woodland Planting Mix (90-120cm whips or equivalent):

Acer campestre (Field Maple) 10%

Alnus glutinosa (Alder) 20%

Carpinus betulus (Hornbeam) 20%

Corylus avellana (Hazel) 20%

Ilex aquifolium (Holly) 10%

Quercus robur (Oak) 10%

Salix fragilis (Willow) 10%

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.

17. 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.

18. 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.

19. 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.

20. No development shall commence at the site before details of a scheme of biodiversity enhancements reflecting those set out in the submitted 'Extended Phase 1 Habitat Survey' (January 2014); 'Protected Species Report' (April, 2015); and 'Great Crested Newt Assessment' (April 2015) 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:

- The enhancement of water bodies, including the removal of scrub and de-silting.
- The establishment of rough grassland around waterbodies, hedgerows and other boundary features.

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- The gapping up of existing hedgerows and the creation of new hedgerows and shaws of trees.
- 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.

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.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.