

Urgent Update: Planning Committee 20 October 2022

Item 13 Pages 18-33

Land North of Little Cheveney Farm Sheephurst Lane Marden Kent

APPLICATION: 22/501335/FULL

Members are advised that the scheme is 0.1MW below the 50MW threshold for which Solar PV Farms have to be determined as Nationally Significant Infrastructure Projects (NSIPs) within England and Wales which are submitted direct to the Planning Inspectorate for scrutiny.

Other Solar PV farms in the district have tended to be much smaller: examples are:

Land At East Lenham Farm	5MW	Approved	
Widehurst Farm Marden	5MW	Approved	
Pullen Farm Staplehurst	10MW	Refused (Committee overturn)	Appeal Dismissed
Great Tong Farm Headcorn	4.9MW	Refused (Committee overturn)	Appeal Withdrawn
Great Pagehurst Farm, Staplehurst	13.6MW	Refused (Committee overturn)	Appeal Dismissed

The loss of the best and most versatile agricultural land to solar PV farms is resisted in a number of strands of national energy and planning policy because of the significant harm caused from loss of economic benefits from not fully utilising food productive capacity of BMV land for such a long period of time.

The application details that (for the original scheme), topsoil in the order of 10,200 cu. Metres would be stripped off permanent access tracks and retained on site in bunds up to 3m high for later re-spreading on restoration. Bunds are an alien landform in the local landscape and even though the application does not detail their location (despite them needing planning permission in their own right as an engineering operation) I remain of the opinion that they would contribute to the significant harm to the character and appearance of the countryside.

For clarity, the Biodiversity Net Gain proposed by the applicant is approx. plus 50% for habitat units and approx. plus 40% for hedgerow units. The NPPF does state that measurable net gains for biodiversity are as a positive in and around developments as is enhanced public access to nature (where appropriate). However, BNG is not necessarily equivalent to species protection and as detailed in the report, there are specific concerns with harm to existing biodiversity such as impact on the habitat of skylarks, badgers, Ancient Woodland and the ecology of the Lesser Teise. Overall, the positive BNG of scheme is not considered to outweigh those specific harms.

The report details that there would be "less than substantial" harm to the settings of listed buildings but nevertheless, weighs against the proposal in the overall balance, even when taking account of the public benefits. This is in accordance with the Pagehurst Appeal Decision which considered a similar degree of harm on Listed Buildings located between 145m and 500m from the PV arrays. In the Pullen Farm Appeal decision, the

Inspector stated that the totality of the agrarian setting contributed to the significance of the collection of designated heritage assets distributed over 320m from the PV development. Whilst “less than substantial harm” did not in that case outweigh the benefits of the proposed development, it was harm nevertheless, and added weight in the balance to the principal landscape harm identified.

Amended reasons for refusal 1, 3 and 4.

- 1) The site includes a significant proportion of the best and most versatile agricultural land which the NPPF requires to be avoided due to significant economic harm from not fully utilising food productive capacity of the land for a long period of time. The proposal is also contrary to National Energy policies and Planning Practice Guidance and policy DM24 of the Maidstone Borough Local Plan 2017 which direct solar farms towards lower grade agricultural land. The proposed use of the best and most versatile agricultural land has not been adequately demonstrated to be necessary.
- 3) The proposed development, by virtue of its scale, proximity and character results in harm to the settings of Heritage Assets being Grade II listed buildings of Little Long End and Little Cheveney Farm as views from and to listed buildings close to the site would be possible. The harm to the significance of the heritage assets would be less than substantial but nevertheless, weighs against the proposal in the overall balance, even when taking account of the public benefits. The application is therefore contrary to policies DM4 and DM24 of the Maidstone Borough Local Plan 2017 and the NPPF.
- 4) Notwithstanding benefits of a proposed high level of Biodiversity Net Gain, the proposal would cause harm by detrimentally impacting on ecology and physical habitats including badger and skylark habitat and potential harm from new permissive footpaths to Ancient Woodland and the Lesser Teise. The proposal is thereby contrary to the NPPF and policies DM3 and DM24 of the Maidstone Borough Local Plan 2017.