

Officer Comment

I have received legal advice highlighting and confirming that that the proposed development is a departure from the Development Plan because it is not a type of development that is permitted in the countryside by policy ENV28 of the Maidstone Borough-Wide Local Plan 2000. I would remind Members that the application has been advertised therefore, as a departure from the Development Plan.

The Government's intention to abolish Regional Spatial Strategy which includes The South East Plan 2009 does not have a material bearing on the decision for this relatively minor energy development application. Central Government guidance given in PPS22 (Renewable Energy) which allows for such development in the countryside is a material consideration.

In view of the aforementioned points, the following amendments to the report should be made:

- i) Amend paragraph 6.5 to read;

"On balance the reversible nature of the development, its minimal impact on the visual character of the surrounding countryside and residential amenities together with significant weight which needs to be given to the wider environmental and economic benefits of the proposal provide sufficient justification for the development to depart from policy ENV 28 of the Maidstone Borough-Wide Local Plan 2000. The proposal would comply with guidance contained within PPS22 and policies within The South East Plan 2009. I therefore recommend permission is granted subject to appropriate conditions."

- ii) Amend the reason for approval to read;

The proposed development whilst not falling within the exceptions to development in the countryside allowed by policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 is not considered to cause harm to the character and appearance of the area and subject to the conditions stated, is considered to comply with the policies of the South East Plan 2009 and more recent Central Government Guidance within PPS22 and there are no overriding material considerations to indicate a refusal of planning consent.

It has also been highlighted that condition 3, which relates to the restoration of the land when no longer used for generation of renewable energy, should not refer to condition 4 which requires a landscaping scheme to be submitted for the implementation of the solar panels. Condition 3 should therefore be amended.

Amendments to recommendation

Amend Condition 3 to read:

3. The development shall not commence until a restoration scheme has been submitted to and approved in writing by the Local Planning Authority for the development hereby permitted when no longer used for generation of renewable energy purposes by solar photovoltaic panels. The restoration scheme shall include the removal of the photovoltaic panels together with other related development, the security fencing, vehicular parking, turning area, shingle permeable strips and associated inverter housing unit and the land shall be landscaped in accordance with the approved scheme and maintained thereafter.

Reason: To safeguard the character and appearance of the surrounding area in accordance with policy ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

Amend the reason for approval to read:

The proposed development whilst not falling within the exceptions to development in the countryside allowed by policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 is not considered to cause harm to the character and appearance of the area and subject to the conditions stated, is considered to comply with the policies of the South East Plan 2009 and more recent Central Government Guidance within PPS22 and there are no overriding material considerations to indicate a refusal of planning consent.