

APPLICATION: MA/12/0013 Date: 5 January 2012 Received: 4 July 2012

APPLICANT: KS SPV7 Ltd.

LOCATION: LAND AT EAST LENHAM FARM, LENHAM HEATH ROAD, LENHAM,
MAIDSTONE, KENT

PARISH: Lenham

PROPOSAL: Construction of 5MW photovoltaic park including attendant
infrastructure and associated works.

AGENDA DATE: 1st November 2012

CASE OFFICER: Richard Timms

The recommendation for this application is being reported to Committee for decision because:

- Councillor Tom Sams and Lenham Parish Council have requested it be reported for the reasons set out in the report.

1. POLICIES/RELEVANT DOCUMENTS

- **Maidstone Borough-Wide Local Plan (2000):**
ENV6, ENV28, ENV33, ENV41
- **South East Plan (2009):**
CC1, CC2, CC6, NRM5, NRM7, NRM13, NRM14, NRM15, NRM16, C3, C4, BE6
- **Government Policy:**
National Planning Policy Framework (2012)
Planning for Renewable Energy: A Companion Guide to PPS22 (2004)
 - Draft Maidstone Core Strategy (2011)
 - Maidstone Landscape Character Assessment (2012)
 - Maidstone Landscape Character Assessment & Landscape Guidelines (2000)
 - Kent Downs Management Plan 2009-2014
 - Kent County Council's 'Renewable Energy for Kent' Report (2012)

2. HISTORY

MA/10/1858 A request for a screening opinion for an environmental impact assessment for a proposed photovoltaic park – ENVIRONMENTAL IMPACT ASSESSMENT NOT REQUIRED

3. EXTERNAL CONSULTATIONS

- 3.1 **Lenham Parish Council:** Wish to see the application APPROVED if MBC are satisfied with the proposal and request that the application is reported to Planning Committee.

"Recommendation: Indicate to MBC that the Parish Council would object to this proposal unless MBC is satisfied that the impact in terms of solar glare, residential amenity and archaeology is acceptable or can be made so by mitigation measures that can be the subject of enforceable planning conditions. If MBC is satisfied in these terms, then on balance the Parish Council wishes to see the application permitted. Because of its significance it should however be reported to Planning Committee."

(Have provided detailed comments on landscape impact, renewable energy, solar glare, residential amenity, archaeology, and ecology)

- 3.2 **Kent Highway Services:** No objections subject to a condition to provide screen planting to prevent glare and a construction traffic management scheme.

Construction traffic: *"I note that this application is likely to generate an average of 6 - 8 two way HGV movements per day with a maximum of 16 per day and the construction period is expected to take 3 months."*

The vehicles are to be routed to and from the site access on Lenham Heath Road via a track through East Lenham Farm to the A20. Visibility from the access onto the A20 is considered to be adequate for this use as is the visibility from the access track onto Lenham Heath Road.

Lenham Heath Road itself is restricted in width for part of the route although there are regular passing bays along the narrow section. These passing bays, of which there are approximately 6, provide a road width of between 4.8m and 5.6m and whilst this would allow an HGV to pass a car problems could occur if 2 HGVs met.

I would therefore recommend that a HGV strategy be implemented by the applicant to ensure that no HGV's are leaving the site whilst another is entering. Space could be provided along the access track for a vehicle to wait whilst another vehicle leaves Lenham Heath Road and completes its journey to the site."

- 3.3 **Kent Downs AONB Unit:** No objections in terms of the setting or impact upon the AONB. Raise concerns regarding industrialisation of land and setting a

precedent for future development. Therefore consider condition or S106 for temporary permission, management of land for agriculture and to return to agriculture after use, boundary treatments, and landscape plan.

- 3.4 **KCC Biodiversity Officer:** No objections subject to minor changes to the Great Crested Newt and reptile mitigation strategy, precautionary approach to any removal of trees, and enhancements.
- 3.5 **Natural England:** No objections subject to mitigation strategy being secured and implemented.
- 3.6 **KCC Heritage Section:** No objections subject to a condition requiring archaeological field evaluation works and any necessary safeguarding.

"The proposed development lies in an area which has potential for evidence of activity from the Prehistoric Period onwards. There are no major archaeological sites recorded within the application site itself but there are prehistoric and medieval sites recorded in the vicinity and there is map evidence to suggest post medieval archaeology may survive within the site. The application is supported by a detailed Heritage Assessment by Wessex Archaeology and this sets out sound assessment of baseline data on known archaeology (Land at Barr Farm Lenham). Wessex have identified some of the key archaeological sites in the area, especially towards Royton Chapel, although more detail on the possible two post medieval holdings identifiable on the early OS maps within the site itself would have been useful. Structural remains and occupation debris associated with these two holdings may survive on site and be directly affected by the scheme. Present information suggests there is general potential for buried archaeology here but there is nothing definite. The Lenham Archaeological Society have undertaken extensive work in this area and they may have further information on the application site area.

The Wessex Archaeology Heritage Statement also addresses the issue of historic buildings in the area and identifies one of the most sensitive sites being Oxley House. Comments by the District Conservation Officer would take precedent for this building and any others affected by the scheme.

Assessment of the implications for the historic landscape is addressed in the Heritage Assessment by Wessex Archaeology and in the Landscape and Visual Impact Assessment. There is consideration of Chilston Park EH registered parkland and the historic landscape features surviving on the site itself. The currently designated area of Chilston Park does not seem to be significantly affected as the development site lies north of the park with the motorway, HS1 and a rise in the land in between. However, there may be impact on surviving historic landscape features within the site and it would be preferable for these to be preserved in situ and protected during the construction and use of the photovoltaic park. Currently identified historic landscape features (field boundaries, hedgerows, ponds etc) are highlighted as WA SI 1 – 13 (excluding SI -11) in Wessex Archaeology report Figure 2.

In conclusion, based on current information there is some potential for archaeology from the Prehistoric Period onwards to survive on site. However, at present there is no evidence to indicate significant or sensitive archaeology on the site. In view of the limited nature of proposed groundworks, I suggest only targeted field archaeological works would be needed to address buried archaeological concerns.

Some historic landscape features have been identified and there needs to be mitigation measures agreed to ensure conservation, protection and positive management of these assets during construction and use of the photovoltaic park."

- 3.7 **Environment Agency:** No objections subject to a condition requiring implementation of the flood risk assessment.
- 3.8 **Rural Planning Ltd:** *"I would agree with the submissions that the indications are that land would fall outside the definition of "best and most versatile" for land use planning purposes. Therefore I would advise that the loss of agricultural land (which as previously indicated would not necessarily be total, or irreversible, in this case) does not appear to be a determinative issue in this case."*
- 3.9 **English Heritage:** No objections.

"English Heritage has been consulted on this application because in your Council's view this application for a photovoltaic farm would affect the settings of the grade II listed Royton Manor and/or the grade I listed Chilston Park and stables. It also has the potential to affect the settings of heritage assets that are listed at grade II, including the registered park at Chilston Park, or which are undesignated. It is therefore necessary for this application to be determined in accordance with policy HE10 of PPS5. Guidance on the application of this policy can be found in English Heritage's 2011 document, The Setting of Heritage Assets, which in particular sets out a methodology for assessing the contribution of setting to the significance of heritage assets and for assessing the effects of proposed change on that significance.*

Setting is defined by PPS5 as the surroundings in which a heritage is experienced. The effects of this proposal on the settings of Chilston Park and Royton Manor are, however, likely to be limited in this case by the routes of the M20 motorway and Channel Tunnel Rail Link that both pass between Chilston Park and the application site, the application site topography which generally falls northwards away from Chilston Park, and the woodland screen between Royton Manor and the application site. However, there may be some impact on the setting of the grade II registered park and garden at Chilston Park, which at its north-eastern corner is broadly on a level with the application site and is likely to result in some inter-visibility. Any potential harm associated with this impact might be mitigated with additional natural boundary screening, in the form of hedges or trees, along the southern boundary of the application site.

The effects of the proposed photovoltaic panels, which are likely to be highly visible in the wider landscape, should also be considered in relation to the historic landscape

character of the area affected. Historic Landscape Characterisation is not a description of buried archaeology or the history of a landscape per se, but rather of the visible elements of the present-day landscape that have survived from the past, often known as 'time depth', which are often an important ingredient in overall landscape character. The Heritage Conservation Group at Kent County Council are likely to be able to advise further on these matters.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request."

3.10 UK Power Networks: No objections

4. INTERNAL CONSULTATIONS

4.1 MBC Landscape Officer: No objections subject to conditions.

"The development covers approximately 14.5 hectares of agricultural land and has a maximum height of 2.5m. To the south of the site is the Lenham Heath and Chilston Park Local Wildlife Site (LWS). It is bounded to the north east by Oxley Wood, which is identified in the Provisional Inventory of Kent's Ancient Woodlands as ancient semi-natural woodland and is also designated as a LWS, Kiln Wood and Pasture. There are two other areas of woodland, Drivelane Wood, in the north western corner and another, un-named area of mixed woodland in the centre of the site. The park lies within two landscape character areas; to the north is area 5, North Maidstone Gault Clay Vale, and to the south is area 6, Leeds Transport Corridor, which is a landscape considered as compromised by the proximity of the adjacent high speed rail link and motorway.

The proposed park will have little adverse impact on the adjacent woodland. It will, however, be partially visible from the adjacent Lenham Heath Road and from nearby public footpaths. There are also likely to be glimpses of the site from the AONB to the north. Substantial boundary planting in the south east corner of the site should provide adequate mitigation from the most widely visible views, looking west along the Lenham Heath Road.

Whilst the development will have an initial visual impact on the landscape from certain viewpoints it should be remembered that it is potentially reversible and imposes little impact on the overall integrity of the landscape.

If minded to grant consent for this proposal, I would ask that the species list for the mitigation planting is more broadly in accordance with the typical planting mixes for the relevant landscape character areas and that we ensure that the applicant submits a detailed planting specification together with a long term management plan and maintenance schedule for both the existing retained, and new, trees and hedgerows...

....in some instances it may be necessary to locate cable routes within the root protection areas of trees, a condition requiring precise detailing of the cabling prior to development commencing would be considered necessary should you be minded to permit this development proposal.

In conclusion, I RAISE NO OBJECTION to this application on landscape or arboricultural grounds but recommend conditions as detailed above, including specific details of additional substantial screen planting to the south/south east corner of the site."

4.2 MBC Conservation Officer: No objections.

"The proposed site lies immediately adjacent to the grounds of Oxley House, a grade II listed building. However, the boundary between the sites is largely formed by a sizeable modern single storey building in the grounds of Oxley House; the rest of the boundary has substantial tree planting. Consequently, there is little intervisibility between the two sites and the impact on the setting of the listed building (which lies some distance from the boundary in any case) is likely to be very slight.

The impact on the setting of the Grade I Chilston Park and its registered historic parkland also needs to be considered. As far as I can see, the topography will result in the scheme having little impact on medium and long range views across the park and from the vicinity of the house itself, the site being hidden behind ridges and trees. The northern section of the Park does however abut Lenham Heath Road, immediately opposite the south east corner of the application site. This part of the Park is severed from the main part by the M20 and the high speed rail link and consequently is already seriously compromised. The site itself is most widely visible in views looking westwards along Lenham Heath Road, and potentially the development will have some impact on the setting of the detached part of the historic park. However, substantial boundary planting in the south east corner of the site should provide adequate mitigation."

4.3 MBC Spatial Policy Department Comments:

"Kronos Solar is proposing to develop 14.6 hectares of land at East Lenham Farm as a photovoltaic park.

Notwithstanding landscape concerns, to be commented on by the landscape officer, the prospect of such a development should in principle be considered positive.

The Maidstone Core Strategy does not attempt to identify areas within the borough as appropriate for different types of renewable/low carbon energy development. This exercise has been undertaken, albeit still quite generally, by Kent County Council in partnership with the districts. The report 'Renewable Energy for Kent' was prepared by AECOM and published in November 2011.

Solar farms are considered differently in the report from other methods of renewable energy generation, however, the report does make an assumption that there will be at least one solar farm per Kent authority by 2020. The county's location in the south east makes it particularly suitable for this type of development.

The Core Strategy recognises in the supporting text to policy CS6 that the Climate Change Act 2008 sets two binding targets:

- *34% reduction in greenhouse gas emissions by 2020*
- *80% reduction in greenhouse gas emissions by 2050*

Both against a 1990 baseline.

Policy NRM13 of the South East Plan 2009 intends that 16% of the electricity generated in the south east will, by 2026, come from renewable sources. While the South East Plan is due to be abolished, the sentiment remains.

The council may choose in the longer term, after further detailed research, to designate areas appropriate for specific types of large scale renewable energy generation, however, the work required to support such an exercise on the local level is not currently necessary.

Currently developers can make their case to develop such larger scale renewable schemes as they see appropriate within the existing policy framework.

Accounting for site consideration factors, Spatial Policy has no objection towards the proposed solar farm at Lenham and considers it a positive proposal."

4.4 MBC Environmental Health Manager: No objections in relation to light glare nuisance.

"I have the evidence I required to demonstrate that the information previously submitted (technical light pollution report) has been substantiated by a recent site visit. The visit appears to have fully vindicated the original submission. On this basis, I am satisfied that the assessment shows that this scheme will have only a very minor level of intrusion to nearby residential dwellings, and, most importantly, to traffic on the nearby M20. Apparently only two upper floor windows at Mount Castle Farm and also Chapel Farm could be affected/are in the line of sight. As these reflectors are only in use during daylight hours, they do not fall within the scope of the ILE (Institute of Lighting Engineers) guidance.

That does not mean that they cannot cause a nuisance, but this should be minimal. I have no objections from the evidence submitted which has now been verified by the site visit."

4.5 MBC Economic Development Department: Support the application.

"The proposal to develop a 5MW photovoltaic solar park on land at East Lenham Farm is one which we support from an Economic Development perspective. The proposal will help to promote sustainable growth and energy security in both the local area and the Borough as a whole. It is envisaged that a site of such a size will provide an excellent

example of our intent to move towards a low carbon economy and will have the subsequent effect of stimulating growth in this growing industry sector. The development of the site itself is likely to have economic benefits for the area through the need for the site to employ local trades for the construction phase of the work, as well ongoing maintenance for the solar arrays, which given they will be in place for 25 years will mean that the added benefits for businesses in the area will have significant longevity. Furthermore it will provide an opportunity for education on renewable energy projects and opportunities to link in with the work going on to develop green jobs and apprenticeships across the County.

Kent County Council has developed / commissioned a number studies (of which Maidstone Borough Council are delivery partners) which explore ways in which we can create a vibrant and resilient low carbon economy, as well as determining the renewable energy potential of the County with the aim of contributing towards the UK's legally binding target of an 80% reduction in carbon emissions by 2050 from a 1990 baseline. Kent has committed to reducing greenhouse gas emissions by 60% by 2030 and as such the delivery of renewable energy is not only central to this vision, but is essential to the solution. All the boroughs and districts have their part to play in fostering the development of renewable energy deployment to contribute towards these targets given the vast and rich array of renewable resources available to the different areas of Kent. Opportunities must be harnessed to ensure the broader economic benefits associated with a green economy and the transition to a low carbon economy are realised.

In the case of the proposed photovoltaic solar park at East Lenham Farm, considering the new Government policies which have been drawn up since our Local Plan was adopted, we are in full support of this application given the wider economic benefits that it offers, and the long term sustainable energy source that will be created from its development."

5. REPRESENTATIONS

5.1 **Councillor Tom Sams:** *"I wish the application referred to the Planning Committee due to the significant impact and interest from the local community. This would give the applicant, and those wishing to analyse this proposal the opportunity to put forward their views in open forum. I would like the planning committee making the final decision based on all arguments presented."*

5.2 **Local Residents:** 33 representations received raising the following (summarised) issues:

Against the development:

- Significant visual harm to the landscape and clearly visible from public vantage points.
- Alternative sites should be explored such as brownfield land.
- Visual impact would be small.

- Would set a dangerous precedent.
- Ecological harm.
- Solar panels can be traps for certain wildlife that breeds in water, mistaking panels for water.
- Harm to setting of listed buildings and nearby applications refused due to this.
- Loss of agricultural land.
- Glare will harm living conditions.
- Mechanical noise from inverters.
- Potential health risks from radio frequency electromagnetic radiation.
- Highway safety issues from glare.
- Increase in traffic on local roads.
- Impact of maintenance traffic.
- No facilities or parking once complete.
- Cumulative impact with potential mineral quarry.
- Potential glare to aircraft.
- Little benefits to local community, employment or economy.
- Financial benefit only to investor and applicant.
- No indication of connection routes from the inverter stations to the grid.
- Will reduce tourism.
- Potential pollution from toxins leaking from panels.
- Loss of property value.
- Risk assessment in relation fire.
- Applicant is member of Parish Council so they cannot act objectively.
- Solar arrays offered to Parish Council would not compensate for harm.
- Public consultation by the applicant has been poor.

In support of the development:

- If we are serious about renewables then we have to support this application and NIMBY attitude is bad.

5.3 **KCC Planning & Environment Section:** The County Council supports the proposal subject to no objections from their ecology and heritage teams.

6. CONSIDERATIONS

6.1 Introduction

6.1.1 This is an application for the construction of a 5 megawatt (MW) photovoltaic park including attendant infrastructure and associated works at land at East Lenham Farm, Lenham Heath Road, Lenham.

6.2 Site Description

6.2.1 The application relates to an irregular shaped agricultural field currently in arable use, although there is a woodland area within the centre and a small area of grassland at the east edge of the site. The field has a total area of approximately 19ha but the area proposed for development is some 14.5ha. It is located immediately north of Lenham Heath Road and 100m east of Boughton Road, Lenham. The Channel Tunnel Rail Link (CTRL), set within a large cutting, runs from east to west within 25m of part of the south boundary of the site. Beyond this and a further 225m south is the M20 motorway. The land is largely open and is undulating with an overall range in height of 25.5m, gently falling from 122.5m AOD on the highest part of the site, in the southwest corner, to 97m AOD in the southeast corner. There is a large area of woodland within the centre of the site where there are three small ponds and there is another, larger pond at the east edge of the site surrounded by trees and an area of grassland.

6.2.2 To the north the site partly bounds the deciduous 'Oxley Wood', a designated Site of Nature Conservation Interest, which is identified as Ancient Woodland. There is another area of deciduous woodland to the north western corner of the site known as 'Drivelane Wood'. Between these woodlands, the north boundary has broken vegetation. To the west is an open grass field and the dwelling, 'Oxley House' a Grade II listed building which is within 45m of the site boundary. The garden of this property adjoins a short section of the west boundary, which has a single storey building for much of this length. The southern boundary of the site is partly bounded by the CTRL cutting and by Lenham Heath Road. Here there are existing native landscaped strips ranging between 5-10m in depth alongside Lenham Heath Road and between 15-35m alongside the CTRL. To the east and northeast is arable farmland and the boundary here is relatively open with sparse trees or hedging apart from a group of trees around the pond. Part of the Grade II Registered Historic Park at Chilston Park lies to the south of Lenham Heath Road, close to the south east corner of the site, which is also a Site of Nature Conservation Interest.

6.2.3 There are a number of public footpaths to the east, the closest being KH397, which runs from north to south and passes within 20m of the southeast corner.

Other local paths are further east and the 'Stour Valley Walk' County trail passes within 600m of the site to the northwest.

- 6.2.4 There is an existing gated access to the site in the centre of the south boundary onto Lenham Heath Road.
- 6.2.5 The site has no local or national landscape designation and is not identified as land with any high risk of flooding. The site is 0.5km south of the edge of Lenham village and 1.26km south of the Kent Downs Area of Outstanding natural Beauty (AONB). The site falls entirely within Lenham Parish but Boughton Malherbe Parish is on the south side of Lenham Heath Road close to the southeast boundary.

6.3 Proposal

- 6.3.1 Full permission is sought for the construction of a 5MW solar photovoltaic park with infrastructure and associated works and is proposed to be in place for 25 years (25 years is the period of time proposed by the applicant based on the effective lifespan of the solar panels). The development would consist of numerous rows of mounting structures on which sit the solar panels. The rows are made up of individual sections either 11m or 22m long (3.3m wide) which join to make up large rows running from west to east across the site with some breaks for access and to avoid shadowing ranging from 4.6m to 7.7m.
- 6.3.2 The solar panels themselves would measure 1m x 1.7m and are set at a fixed tilt angle of 25 degrees facing due south and there would be a total of 24,024. The lower front edge of the structures would be 0.8m above ground level to prevent vegetation shading the panel, and the upper rear edge of the structure varies, according to the angle of slope that they are installed on, so that on a level site the top back edge would be approximately 2.2m high and on a steeper north-facing slope some 2.5m high. No land levelling or changes to the topography of the site are required for the development.
- 6.3.3 No concrete footings are required as steel impact beams support the structures which are rammed to a depth appropriate to the soil conditions. The panel frames and mounting structure would be grey matt aluminium and the support beams galvanised steel, unpainted. The applicant has confirmed that the solar panels proposed would be blue polycrystalline cells with a glass, anti-reflective surface.
- 6.3.4 Five inverter stations are proposed which each consist of two inverter cabinets and a transformer station painted green. The inverter cabinets are 2.3m high x 2.6m x 0.9m and the transformer station is a purpose designed steel enclosure, 1.6m high x 2.3m x 2.4m. The stations would be placed on a concrete slab

(8.2m x 4m). One is located adjacent to the western side of the central woodland, two against the eastern side of this copse, and two further stations adjacent to the area of scrub surrounding the east pond. A central station building, which is used for distributing the medium voltage systems from the transfer stations, would be located in the north-east corner of the site. This would be a prefabricated building finished in green and approximately 6.m x 2.5m, with height of 2.8m. Connection to the national grid would be to the overhead line which crosses the site in the northeast corner by the central station.

- 6.3.5 All associated cabling between the solar panel rows and the inverter stations would be underground, as would the cabling from the inverters to the centre station and from the centre station to the substation.
- 6.3.6 Security perimeter fencing is proposed and would be 2.5m high, comprising open steel mesh panel fencing painted green with support posts at 2.5m centres. Perimeter surveillance is in the form of sensor cables which are integrated into the fencing to detect movement from climbing and being cut. There are no alarms or lighting associated with the security and no additional lighting on site.
- 6.3.7 Landscaping proposed would be a 8-10m wide area of trees with under-storey shrubs grown to a height of 6-8m along the entire east boundary and a 150m section of the north boundary. Along the south boundary would be a 5m wide area of 3m and 4m high shrub hedgerow with some trees on the inside of the existing landscape strip alongside Lenham heath Road for a distance of around 500m. There would also be a 95m section of hedgerow planting, 4m high, between, and to link, the central woodland area with the southern boundary planting. Along the entire west boundary would be a new hedgerow 3m high and 5m wide. The arable fields would be re-sown to be maintained as grazed grassland with the areas between the development and new boundary landscaping converted to rough grass/hedgerow/scrub and protected with stock fencing ranging from 3m to 20m in width.
- 6.3.8 Access into the site would be via the existing gated access in the centre of the south boundary onto Lenham Heath Road where new 4m wide gravel maintenance tracks would extend into the site. Two tracks would extend either side of the central woodland and two would extend into the east part of the site.
- 6.3.9 Vehicular traffic would mainly be limited to the construction phase, with the total HGV movements expected to be 500-600 (this is arrivals and departures), with a maximum of 16 lorry movements per day (8 arrival and 8 departures) based on working 6 days a week. Construction staff, expected to be up to 70 on site would also access the site with the main installation workers arriving by minibus and encouraged to car share. Vehicle washing facilities would be installed at the site.

The majority of construction traffic would be routed from the A20 through the applicant's farm (East Lenham Farm) along a private hard surfaced track, crossing over a short section of the applicant's land, then onto the hard surfaced access to the sewage works, and out onto Lenham Heath Road to the east of the site. The applicant either owns this land or has a right of way and for the short section over the field a temporary surface would be laid on top of the grass and be removed once the construction was completed. There would be no excavation or other alterations required to the surface of the field and the temporary surface would be simply laid onto the existing surface giving temporary protection to the area of access.

- 6.3.10 Following construction of the solar park, the installation would be monitored remotely and would not require any permanent staff to be located on-site. Only periodic visits for occasional maintenance work would be required once operational and the site would not be accessible to members of the public.
- 6.3.11 The development would have the capacity to generate 5MW of energy, which is equivalent to powering approximately 1,340 dwellings per year based upon the UK average household consumption of 4,100 KWh/year (OFGEM). Following cessation of the proposed use, all development would be removed and the site returned to agricultural land.
- 6.3.12 I am aware that the applicant's are offering Lenham Parish Council solar panels to be installed on three public buildings subject to planning permission being granted for this application. This however is being agreed between these two parties outside of the planning application and does not form part of the proposals. Therefore to confirm, this is not being considered as part of the assessment of this application.

6.4 Policy Context

Maidstone Borough-Wide Local Plan 2000

- 6.4.1 There are no policies within the Local Plan which relate to renewable energy development either saved or unsaved. Presumably because at the time of adoption in 2000, large-scale renewable energy projects were uncommon, or deemed to be appropriately covered by county-wide or national policies.
- 6.4.2 Policy ENV28 of the Local Plan relates to development in the countryside stating that:

"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers"

ENV28 then outlines the types of development that can be permitted. This does not include renewable energy development I would suggest for the reasons outlined above.

The South East Plan 2009

6.4.3 Although the Government has given a clear signal that regional plans will be revoked through the SoS letter of November 2010, the South East Plan has not yet formally been revoked by Order. Therefore for the purposes of this planning application, it continues to form part of the Development Plan and carries weight, although this is more limited due to the clear intention to abolish the Plan.

6.4.4 Policy CC1 states that the principal objective of the plan is to achieve and maintain sustainable development by, amongst other ways, ensuring the natural environment of the South East is conserved and enhanced and by reducing greenhouse gas emissions associated with the region. Policy CC2 relates to climate change and encourages development and use of renewable energy. Policy CC6 seeks to respect the character and distinctiveness of landscape.

6.4.5 Policies NRM13 and NRM14 outline regional and sub-regional renewable energy targets as follows:

Regional Renewable Energy Targets:

| Year/timescale | Installed Capacity (MW) | % Electricity Generation Capacity |
|----------------|-------------------------|-----------------------------------|
| 2010 | 620 | 5.5 |
| 2016 | 895 | 8.0 |
| 2020 | 1130 | 10.0 |
| 2026 | 1750 | 16.0 |

Sub-regional Targets:

| Sub-region | 2010 Renewable Target (MW) | 2016 Renewable Target (MW) |
|---------------------------|----------------------------|----------------------------|
| Thames Valley & Surrey | 140 | 209 |
| East Sussex & West Sussex | 57 | 68 |
| Hampshire & Isle of Wight | 115 | 122 |

| | | |
|------|-----|-----|
| Kent | 111 | 154 |
|------|-----|-----|

6.4.6 The Government's intention is to abolish such regional targets, however, the South East Plan is still in place and at present such targets must be given some weight in any decision. Statistics obtained from OFGEM via KCC indicate that current schemes in Kent have an installed capacity of 110MW. Therefore to meet South East Plan targets, 44MW needs to be provided in the next 4 years by 2016 and clearly the proposal would go towards helping to meet that target. Whilst, the South East Plan targets will eventually be abolished, the current situation certainly does not indicate an over-provision of renewable energy resources in Kent.

6.4.7 Policy NRM15 refers to the location of renewable energy development stating that,

"Outside of urban areas, priority should be given to development in less sensitive parts of the countryside and coast, including on previously developed land and in major transport areas."

It states that location and design should be informed by landscape character assessments and proposals close to the boundaries of designated areas should demonstrate that they will not undermine the objectives that underpin the purpose of the designation.

6.4.8 Policy NRM16 states:

"Through their local development frameworks and decisions, local authorities should in principle support the development of renewable energy... Consider the contribution the development will make towards achieving national, regional and sub-regional renewable energy targets and carbon dioxide savings."

National Planning Policy Framework 2012 (NPPF)

6.4.9 Since the submission of this application, the NPPF was introduced on 27th March 2012. The NPPF effectively replaces the majority of the previous Planning Policy Statements and Planning Policy Guidance Notes.

6.4.10 The NPPF outlines a set of core land-use planning principles (paragraph 17) which should underpin both plan-making and decision-taking including to,

"support the transition to a low carbon future in a changing climate... and encourage the use of renewable resources (for example by the development of renewable energy)" and

"recognise the intrinsic character and beauty of the countryside"

6.4.11 Chapter 10 (Meeting the challenge of climate change, flooding and coastal change) states that,

"Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions... and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development."

6.4.12 Chapter 10 (paragraph 97) outlines that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- *"have a positive strategy to promote energy from renewable and low carbon sources;*
- *design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;*
- *consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and*
- *identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers."*

6.4.13 At paragraph 98 it is advised that, when determining planning applications, local planning authorities should:

- *"not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- *approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas."*

6.4.14 Chapter 11 (Conserving and enhancing the natural environment) states the planning system should contribute to and enhance the natural and local environment by:

- *"protecting and enhancing valued landscapes; and*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contribution to the Government's commitment to halt the overall decline in biodiversity."*

6.4.15 At paragraph 118 it is advised that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles relevant to this development:

- *"if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."*

6.4.16 Chapter 12 (Conserving and enhancing the historic environment) states that,

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)... they should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

International, European and National Considerations

6.4.17 The draft European Renewable Energy Directive 2008 states that, in 2007, the European Union (EU) leaders had agreed to adopt a binding target requiring 20% of the EU's energy (electricity, heat and transport) to come from renewable energy sources by 2020. This Directive is also intended to promote the use of renewable energy across the European Union. In particular, this Directive commits the UK to a target of generating 15% of its total energy from renewable sources by 2020.

6.4.18 At the national level, The 2008 UK Climate Change Bill sets an 80% target for reduction in greenhouse gas emissions by 2050 (based on 1990 levels). The UK Committee on Climate Change 2008, entitled 'Building a Low Carbon Economy', provides guidance in the form of recommendations in terms of meeting the 80% target set out in the Climate Change Bill, and also sets out five-year carbon budgets for the UK. The 2009 UK Renewable Energy Strategy (RES) provides a series of measures to meet the legally-binding target set in the aforementioned Renewable Energy Directive. The RES envisages that more than 30% of UK electricity should be generated from renewable sources.

6.5 Principle of Development & Main Considerations

6.5.1 National and regional planning policy seeks to support and achieve sustainable development through economic, social and environmental roles and provides positive encouragement for renewable energy development. In terms of location, countryside sites are feasible with priority given to less sensitive parts of the countryside including previously developed land and major transport areas. However, there remains a need to protect the character and beauty of the countryside, and particularly important landscapes, such as AONBs, as well as heritage and ecology assets.

6.5.2 I therefore consider that subject to other considerations, the principle of the development at this site is endorsed by planning policy. Much emphasis in planning policy is put on the benefits of renewable energy development and I consider this must be balanced against the visual impact of the proposals on landscape and heritage, the impact upon ecology and biodiversity, the impact upon local living conditions, the loss of agricultural land, and highway safety and access.

6.6 Environmental Impact Assessment (EIA)

6.6.1 A screening opinion was submitted under application MA/10/1858 in late 2010 for the same proposal where it was determined that an EIA was not required. An assessment on the need for an EIA was carried out when the current application was received and it was considered that an EIA was not required, and that the development could be appropriately and properly considered through information accompanying the planning application.

6.7 Landscape Character

6.7.1 The site is not located within a specially designated landscape but is some 1.2km south of the Kent Downs AONB. The site falls within an area identified as the 'East Lenham Vale' in the Council's Landscape Character Assessment 2012 (LCA) but borders the 'Harrietsham to Lenham Vale' to the west and the 'Lenham

Heath Farmlands' to the south. The LCA describes some of the key characteristics of the local landscape as an undulating landscape beneath the North Downs made up of arable and pasture farmland of medium to large irregular fields with some small areas of broadleaved woodland. Land to the east and south of Lenham has medium fields with a greater sense of enclosure than to the northeast, with scattered mixed blocks of ancient woodland and frequent native hedgerows, often with standard oak trees. The North Downs encloses the landscape to the north and there is historic parkland at Chilston Park to the south of the site.

- 6.7.2 Built development consists of scattered buildings and small hamlets with the exception of the village of Lenham just to the north. There is also recent commercial development along the A20 at the 'Ashmill Business Park' to the north. Mineral extraction is also locally a feature of this area, with Lenham Forstal pit an active mineral site some 1.7km to the west. The M20, A20, CTRL and Maidstone East railway line have had a significant impact on the local landscape and the site falls between these transport corridors. Otherwise, very few roads cross the landscape, which is largely accessed via private tracks which link to farms and a network of public footpaths.
- 6.7.3 The LCA describes the 'condition' of the landscape to the north, northeast and east as, *"a unified landscape where consistently undulating topography, frequent woodland blocks and hedgerow enclosed fields provide a coherent pattern of elements. There is a good hedgerow network, frequent woodland blocks and also a network of drainage ditches. Oxley Wood and pasture and ponds at Lenham Forstal are designated local wildlife sites. However, the significant amount of arable intensification means that the ecological integrity is moderate. Whilst some trees are over mature and there are some gaps in hedgerows, the overriding condition of remaining hedgerows, woodland and the built environment is good."*
- 6.7.4 The condition of land to the south and southeast is described as, *"significantly fragmented by recent subdivision into small land parcels, and the major infrastructure corridor to the south. There are a number of visual detractors within this fragmented landscape including major infrastructure, agricultural buildings, factory buildings, sand extraction, poor boundary treatment and the use of temporary electric fencing and recent development which does not respect local vernacular."*
- 6.7.5 The 'sensitivity' of the landscape to the east and northeast is described as, *"Overall, visibility is high in this location at the foot of the Downs. Whilst immediate views are often enclosed by intervening vegetation, there are striking long distance views of the North Downs."* However, to the south and southeast it

is stated that, *"overall there is a very weak sense of place, largely because many traditional elements have been removed or diminished... visibility is moderate."*

6.7.6 Overall, the condition of the surrounding landscape is more unified to the north and northeast with medium to large fields with good hedgerows and woodland blocks. To the south and southeast it is more fragmented land with poorer boundary treatments and the major transport corridor. Similarly, the landscape is more sensitive to the north and northeast where it is more open but less so to the south and southeast where the landscape is more enclosed and there is major infrastructure.

6.8 Landscape Impact

6.8.1 There are no similar developments within the vicinity of the site so it would represent a feature that is out of character with built development in the vicinity. The height and scale of the development is not dissimilar to polytunnel development, however, this is also not a common feature of the local landscape, as it is in other parts of the Borough. However, there is clearly major infrastructure development in the form of the M20 and CTRL just south of the site and the Ashford to London railway line to the north, which are visible in the wider landscape. For these reasons, whilst the appearance of an area of solar panels is not in keeping with the area, the presence of large scale infrastructure development is a local feature.

6.8.2 The main visual impact of the development would be from a section of Lenham Heath Road to the southeast and sections of public footpaths to the east and northeast all within a range of approximately 1.5km.

6.8.3 For approximately a 280m section of Lenham Heath Road (from the access point heading southeast) there is existing deciduous vegetation between 2m-2.5m in height running along the boundary of the site with the road, which is outside the site. During summer months this does provide a good screen of the site from this section of the road, however, views would be possible through in the winter, although they would be broken. Some views are currently possible over this vegetation when approaching the site from the CTRL bridge to the south and through the access to the site. Nonetheless this provides a decent screening of the site from here and it is proposed to provide an additional 5m wide planting strip inside this with some trees. Further southeast along the road, the site becomes much more exposed with clear views possible over a gated access to the neighbouring field, however the new landscaping would break views of large parts of the site from here. The road rises to the southeast offering views of large parts of the site for around a distance of approximately 380m from the edge of the site. Beyond here the site is no longer visible due to the topography of the land.

- 6.8.4 There are a network of public footpaths to the east and northeast. The closest path (KH397) runs from north to south and passes within 20m of the southeast corner. From this path clear views of the site are possible, particularly near the southeast corner for a 230m section of the path where views to the northwest, over much of the site are possible due to the lack of any hedgerow here. However, the proposed landscaping along this boundary (6-8m) will in time break views of much of the development from here as the path is relatively near the site boundary. As the path moves further from the site and heads north, views remain clear for a 400m section of the path from between 100-400m away as the northwest boundary has limited vegetation. The proposed 6-8m landscaping would again provide good screening of the development but as the application site rises to the west it would not be able to fully screen the higher part of the east half of the site.
- 6.8.5 The 'Stour Valley Walk' County trail, which begins at Lenham, passes within 600m of the site to the northwest and generally runs from west to east. From this path, clear views of the parts of the site are limited to short sections of the path around 550m to the north, 600-650m to the northeast and approximately 780m to the east. Otherwise views are broken by hedgerows and trees. Running on a similar line to the Stour Valley Walk from west to east is footpath KH412. This path is closer to the site and two 100m long sections offer clear views of the eastern part of the site from 470m and 530m away to the northeast. The proposed 6-8m landscaping would again provide good screening of the development from these paths but would not fully screen the higher parts of the site.
- 6.8.6 As these paths extend to the north views are screened by the Ashford to London railway line which sits upon a raised embankment. Whilst, I have not viewed the site from the railway line, as it is raised considerably, views of the site would be possible for what I would estimate as at least a 1.5km section.
- 6.8.7 There is a local path within the 'Heaths Countryside Corridor' on the south side of Lenham Heath Road. This is an area of land open to the public which rises to the east and where within 100m of the site it offers clear views over the east half of the site. The existing and proposed landscaping on the south and east boundaries would partially screen parts of the development but much would remain visible.
- 6.8.8 Further east around 1.5km away, views of a large part of the site are possible from local footpath KH408 near 'Mount Castle Farm' where the land is at a similar level to the site. Views are possible for just under a 1km section of this path as you head northwest.

- 6.8.9 Views of a small section of the site are possible from the bridge over the M20 motorway on Bowley Lane around 700m to the southeast but these are seen in the context of the motorway and the CTRL in the foreground. From the motorway itself, there is a glimpse of a small part of the site from the M20 heading westbound to Maidstone but no clear views heading eastbound. Views heading westbound are seen in the context of the motorway itself and the CTRL and so would not be unduly intrusive.
- 6.8.10 To the south of the motorway there are no clear views of the site from public footpaths or roads due to the topography of the land and intervening vegetation. Whilst the land rises to the south of the motorway, the CTRL embankment and mature vegetation provides a screen around the southwest corner of the site blocking all views. This is true of Lenham Heath Road 120m to the south where the site cannot be seen. From the west, no clear or prominent views are possible from Boughton Road 100m away, because of roadside hedging but mainly because the site falls away from here. From the northwest no clear views are possible from Headcorn Road due to topography and the screening provided by the two large woodland areas on this side of the site. Similarly, any potential views from Lenham village to the north are screened by Oxley Wood.
- 6.8.11 Having walked a 3km section of the North Downs Way National trail to the north and northwest between 1.8km and 3.5km away, there are open sections of this path where views of the lower parts of the site are possible. However, the majority of the path is flanked by hedgerows and trees obscuring views of the site. It must be noted that from here, only the back of the panels would be visible so no significant glare or reflection would be experienced. Some of the open sections are over 3km away to the northwest (including part of the 'Lenham Picnic Area' and the higher part of Rayners Hill) and from here, the development would not be prominent or intrusive. In closer views from the 'Lenham Chalk Cliffs Area' (2.2km) and the North Downs Way (1.9km), the development would be seen with the 'Ashmill Business Park' industrial buildings in the foreground or same view, which is also the case for the higher section of Hubbards Hill (2.5km). In this context, it is not considered that the development would result in any significant intrusion in the landscape. Overall, views of the site are limited to sections of the path and it is considered that the development would not be an unduly harmful feature in the landscape from here, nor would it significantly effect the enjoyment of this trail.
- 6.8.12 To conclude, there would be short to medium range views of the site from sections of local footpaths and part of the Stour Valley Walk to the northeast and east to a distance of approximately 1.5km away. Clear and prominent views would be possible from Lenham Heath Road for a section of around 380m and there would be a short glimpse from the motorway. The proposed

landscaping would help to further screen/break views of parts of the site but would not be able to totally hide the development from some of these local vantage points because the site rises in height to the west. The landscaping would also be less effective in the winter months when not in leaf. However, the site is screened from public vantage points to the south, west and north by the topography of the land and vegetation, and long range views from the North Downs Way are limited or seen in the context of existing development such that the development would not be unduly harmful from here. Therefore the main impact is from a non-classified local road for a short section and local footpaths up to 1.5km away. For this and the above reasons, I consider the landscape impact of the development is localised and moderate.

6.8.13 The development would undoubtedly cause some harm to the landscape in terms of being a feature that is out of character and visible, but this would be localised harm limited to local non-classified roads and paths. The site falls within undesignated countryside with no harm caused to any specially designated landscape and no objections are raised from the 'AONB Unit' in terms of the setting of the AONB. The site is also adjacent to major infrastructure in the form of the M20 and CTRL. I will return to the landscape impact in my balancing of matters later in the report.

6.9 Ecological Impact

6.9.1 An extended Phase 1 Ecological Assessment of the site has been carried out involving walkover surveys of the site (November 2010 & May 2012). In light of this, the Council has requested full specific surveys relating to Great Crested Newts and reptiles. The Phase 1 survey identifies the presence of any habitats of conservation importance or other features of ecological interest likely to be directly or indirectly affected by the development, the presence or possible presence of protected species likely to be affected, and any need for further ecological survey. With regard to protected species the report advises the following (summarised):

6.9.2 Great Crested Newts (GCN)

A specific GCN survey was requested by the Council and this has recorded GCN within the ponds on site and within the surrounding area. A GCN mitigation strategy has been submitted and the KCC Biodiversity Officers are satisfied with this subject to a change to the cutting regime of grassland which can be dealt with by condition. The mitigation strategy would see areas of grassland retained; the arable land within the construction footprint re-sown and maintained as grassland; arable land outside the construction footprint converted to rough grassland/hedgerow/scrub and protected with stock fencing; and ponds, woodland, trees, hedgerow, field margins, ditch and scrub retained. Prior to

carrying out works, grassland areas would be cut to a sward height of between 50 and 100mm to deter use by GCN. Within the arable areas, the crop would be harvested as normal and vegetation thereafter would be maintained short for the duration of the construction phase to deter the ad hoc use by GCN. Should GCN be found at any time during works, all works in the immediate vicinity would cease.

6.9.3 *Reptiles*

A specific reptile survey was requested by the Council and this has identified that common lizard, slow worm and grass snake are present on the site. Advice from the KCC Biodiversity Officers is that as there is a minimal amount of habitat to be lost as a result of the development, and they are satisfied that the updated precautionary mitigation proposed for GCN (above) will also ensure that the works will minimise the impact on reptiles.

6.9.4 *Bats*

One dead tree within the site is potentially suitable for bats but otherwise trees are relatively small and/or appear generally sound and to lack features suitable for use as roosts. Trees and woodland adjoining the site present features suitable for use as roosts though. Such trees were not thoroughly assessed on the basis that the proposals are considered highly unlikely to have any significant impact upon any roosts that may be present within them. The arable fields themselves are considered unlikely to be subject to any significant foraging and/or commuting and the changes to the site are considered likely to lead to an increase in local invertebrate abundance and thus improve the overall attractiveness of the site to foraging bats. No objections have been raised by the KCC Biodiversity Officers in respect of the report subject to a precautionary approach if the dead tree is to be removed. This can be covered by way of condition.

6.9.5 *Badger*

No setts were apparent within or immediately adjacent to the site and no evidence was found for concentrated foraging or commuting activity by badger within the site itself. However, it is recommended that any new fencing should be designed to allow access for badgers, essentially having some small openings. No objections have been raised by the KCC Biodiversity Officers in respect of badgers.

6.9.6 *Hazel Dormouse*

Abutting woodland appears suitable for use by hazel dormice as does the patch of cleared woodland in the middle of the site. It is recommended that a new hedgerow be provided to link the central woodland area to the woodland to the northwest. No objections have been raised by the KCC Biodiversity Officers in respect of hazel dormice.

6.9.7 *Nesting Birds*

Birds are likely to nest within trees, scrub and marginal strips or rougher vegetation during spring and summer months. It is advised that the development be carried out between September and February or otherwise only following a thorough check to confirm that no active bird nests are present. No objections have been raised by the KCC Biodiversity Officers in respect of nesting birds.

6.9.8 *Water Vole*

No evidence was found for use of any water bodies on the site by water voles.

6.9.9 Overall, no objections have been raised by the KCC Biodiversity Officers with regard to ecological impacts of the development subject to a slight amendment to the GCN mitigation strategy. The MBC landscape officer does not consider there would be any harmful impacts upon the ancient woodland. Natural England has commented on GCN and has no objection subject to the mitigation strategy being secured by condition. As such, and subject to the recommendations of the report, the proposals are not considered to have an unacceptable impact upon ecology and accord with Chapter 11 of the NPPF. To summarise the ecological recommendations for the whole site include:

- Proposed native hedgerow and tree planting around the boundaries of the site to improve biodiversity and to provide improved connectivity to the central woodland area.
- Re-sowing the arable land to be maintained as grazed grassland with the edges and areas adjacent to ponds converted to rough grass/hedgerow/scrub and protected with stock fencing to improve biodiversity and to provide connectivity between ponds.
- Management and enhancement of existing grassland areas on the east side of the site.
- Retention of all woodland, trees, hedgerow, field margins, ditches, scrub and other non-arable vegetation.

- Retention of all ponds and enhance the connectivity between them.
- Development being carried out between September and February or otherwise only following a thorough check to confirm that no active bird nests are present.
- Openings within fencing to provide access across the site for badgers.

6.9.10 These recommendations will ensure no detrimental impacts upon biodiversity, however, I consider a detailed ecological management plan is essential by way of a condition to secure these measures and to ensure the long term maintenance throughout the life of the development. It could also provide other enhancements and this would be in accordance with policy NRM5 of the South East Plan and the NPPF. Additional enhancements can include:

- Management and enhancement of the woodland area in the centre of the site.
- Management of existing and proposed hedgerows.
- Creation of reptile refugia and hibernacula throughout the site.
- Provision of bird and bat boxes throughout the site.

6.9.11 The issue of the solar panels being potentially mistaken for water and becoming traps for certain wildlife has been raised. I have specifically discussed this with the KCC ecologists and have been advised that this is not generally recognised as a significant problem. With this in mind, I do not consider this is grounds to object.

6.10 Heritage Impact

6.10.1 There are a number of listed buildings within the vicinity of the site the closest being the grade II listed 'Oxley House' immediately west of the site. Other buildings include grade II* listed 'Royton Manor' and grade II listed 'Chapel Mill' 750m to the east, grade II listed 'Home Farm House', 'Barn' and 'Cottages' 200m to the southwest, and grade II listed 'Little Barleythorpe', 'Halfway House' and 'Leading Cross Farmhouse' between 140 to 200m to the northwest. Chilston Park and stables is grade I listed around 560m south of the site and its historic parkland is grade II registered which runs near to the southeast boundary of the site, although split by the CTRL and M20. There is also the 'Sandway' Conservation Area 420m to the west. Archaeological issues have been considered by the KCC Heritage Section.

6.10.2 Both English Heritage and the Council's Conservation Officer consider the impact upon the setting of Chilston Park buildings would be very limited due to the topography and intervening vegetation and also the impact the M20 and

CTRL already has. There is considered to be some impact upon the setting of the northern section of the parkland, immediately opposite the south east corner of the application site. This part of the Park is severed from the main part by the M20 and CTRL and consequently is already seriously compromised. The development will have some impact on the setting of the detached part of the historic park, however, boundary planting in the south east corner of the site is considered to provide adequate mitigation, which is proposed.

6.10.3 In terms of 'Oxley House', the site lies immediately adjacent to the grounds of this building. However, the boundary between the sites is largely formed by a sizeable modern single storey building in the grounds of Oxley House and the rest of the boundary has substantial tree planting. As such, it is considered that there is little inter-visibility between the two sites and the impact on the setting of the listed building (which lies some distance from the boundary in any case) is likely to be very slight.

5.10.4 There is a woodland screen between 'Royton Manor', 'Chapel Mill' and the site and as such there would be no harmful impact upon the setting of these buildings. There is no inter-visibility between the site and listed buildings to the southwest and northwest, nor to the Sandway Conservation Area and so no harmful impacts upon their settings.

6.10.5 Some potential for archaeology from the Prehistoric period onwards has been identified at the site by the KCC Heritage Section but at present there is no evidence to indicate significant or sensitive archaeology. As such, and in view of the limited nature of proposed groundworks, it is recommended that targeted field archaeological works to address buried archaeological concerns are carried out which can be dealt with by condition.

6.10.6 Overall, it is considered that the impact of the development on the significance of nearby heritage interests would be low and there would be no conflict with policy BE6 of the South East Plan or the NPPF.

6.11 Residential Amenity

6.11.1 The main implications for residential amenity would be the impact of any sun glare from the solar panels, any noise or disturbance (during construction and when operational), and impact upon outlook.

6.11.2 An assessment of glare from the solar panels and framework has been submitted with the application. This report predicts a worse-case scenario and was carried out firstly as a desktop exercise followed by a site visit to clarify the results. The assessment identifies the areas where glare reflections would be experienced without taking into account possible obstructions or topography.

This covers an area between west and southwest of the site and an area between east and southeast. The author then carried out a site visit in the potential areas. The Environmental Health Manager has reviewed the report and raised no objections in terms of light glare nuisance.

- 6.11.3 In the west and southwest the report states that no clear views of the site are possible due to topography, CTRL earthworks and vegetation, which I can also confirm to be the case. As such there would be no impacts of glare in this direction from houses, roads or the M20. With regard to 'Oxley House', it is advised that the existing building and vegetation between the property and the site would prevent glare reaching this property and I note additional planting is also proposed here. I have visited this property within the garden and the rooms (kitchen and bedroom) facing the site and note that views of the site are largely broken by existing vegetation or the single storey building at the rear of the garden.
- 6.11.4 In the east and southeast the potential for glare effects on Lenham Heath Road are limited to a 370m section south of the site when driving eastwards. It is advised that the existing and proposed 3m or 4m planting along this boundary would eliminate the impact from here. No glare would be experienced on the M20. Houses to the west including 'Chapel Oast', 'Mount Castle Farm', 'Mount Castle Cottage', 'Bakers Cottage', 'Bakers Barn' and properties at Lenham Forstal would fall within the areas for potential glare. For 'Chapel Oast', glare reflection would be possible from around the beginning of June until mid July between around 6pm and 6:15pm, however, mature trees between this property and the site would prevent clear lines of site. For 'Mount Castle Farm', 'Mount Castle Cottage', 'Bakers Cottage' and 'Bakers Barn' glare reflections would be possible from mid April to mid August between 5:50pm and 6:10pm. However, it is advised that as the reflections would be at a low angle, the sun would actually have a much higher impact as the difference in angle between the two is relatively small. Therefore it is advised that no significant additional glare would be realised to these properties. No direct visibility to the site occurs further east.
- 6.11.5 Glare effects would be possible from sections of some footpaths to the east. The closest (KH397) is on a north to south alignment and so users would not be facing the application site or the angle of glare. Whilst glare may still be noticeable from here, I do not consider it would render the use of the path as unpleasant. Other paths are generally heading in a northwest or southeast direction and are further away and I do not consider any glare experienced on these paths would warrant objection.
- 6.11.6 In terms of noise and disturbance, once operational the only noise would be associated with the inverter stations, which would be from internal fans

operating in the daytime when the installation is producing electricity. The nearest property 'Oxley House', has its garden 150m from one station and at this distance any impact would be minimal, especially in the context of the background noise from the nearby M20 motorway. Construction noise would primarily be associated with works on site and traffic, which would be for a limited period only and on this basis I do not consider it to warrant any objection.

6.11.7 In terms of outlook, views of the site from 'Oxley House' are largely broken by vegetation within the garden of this property and blocked by the single storey building along the east boundary. There would be some angled views of the development from a first floor bedroom window but at a distance of 100m away. Overall, the impact upon the outlook from this property would not be unacceptable. There are clear views of parts of the site from 'Inkstand Meadow Farm' and to a lesser extent, 'Inkstand Cottage' and 'Inkstand Bungalow' some 315m away to the northwest. I have viewed the site from 'Inkstand Meadow Farm' and whilst views would change from arable fields to the proposed development, at this distance, I do not consider it would result in a harmful or overbearing outlook. I also note that new planting eventually grown to 6-8m in height would soften views from here. Otherwise houses would not have clear views of the development due to vegetation or topography or are a sufficient distance away such that there would not be harmful impacts on outlook.

6.11.8 In terms of glare to aircraft, the author of the report advises that, "*the effect of glare for aircrafts is only to be considered in the relevant field of view of the pilot. This applies only in the area of the landing runway, and partially in the area of the runway. All other glare has no effect on aircrafts because they are outside the pilot's field of view. Since no airport is located near the site this wasn't part of the glare report.*" This seems logical and I have no reason to question this or raise objections.

6.11.9 Overall, it is considered that the development would not have any unacceptable impacts upon residential amenity to justify an objection and therefore comply with policy ENV28 of the Local Plan and the NPPF in this respect.

6.12 Highway Safety

6.12.1 As outlined above at paragraphs 5.9.3 and 5.9.4, there would be no glare effects to the M20 or any roads to the west. Glare to Lenham Heath Road would be limited to a 370m section south of the site when driving eastwards and it is advised that the existing and proposed 3m/4m planting along this boundary would eliminate the impact from here. As such, there would be no highway safety implications from glare and I note no objections are raised by KCC Highways subject to the planting being put in place.

6.12.2 The impact of construction traffic has been considered by KCC Highways and no objections are raised to the proposed route subject to a construction phase traffic management plan, which would look to avoid 2 HGV's meeting on Lenham Heath Road.

6.13 Agricultural Land

6.13.1 The proposals would result in the loss of agricultural land, albeit for a temporary period and the development is reversible. Submissions indicate that the land does not fall within the 'best and most versatile' category (which is afforded some protection under paragraph 112 of the NPPF). The Council's agricultural consultant agrees with this assessment and as such the temporary loss of this agricultural land is not grounds to object to the proposal.

6.14 Balancing of Matters

6.14.1 The NPPF at paragraph 98 states that when determining planning applications for renewable energy development,

"Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy, and, approve the application if its impacts are (or can be made) acceptable, (subject to other material planning considerations)."

6.14.2 The NPPF encourages the use of renewable energy and considers its delivery as central to the economic, social and environmental dimensions of sustainable development. Policy NRM16 of the South East Plan states that Local Planning Authorities should in principle support the development of renewable energy. Whilst the South East Plan is to be abolished, it does not conflict with the aims of the more recent NPPF in respect of renewable energy development so should be afforded due weight. It is considered that the NPPF and South East Plan policies are very positive towards renewable energy development, although clearly there is a requirement to consider the other impacts of such development.

6.14.3 The main negative impact of the development is the visual harm caused to the landscape, which would be apparent to the east of the site. In this respect there is some conflict with policy ENV28 of the Local Plan, which seeks to prevent harm to the character and appearance of the countryside. The harm would, however, only be apparent to the east of the site for a medium range distance and would be a localised impact. This impact would be mitigated to a degree by the proposed landscaping but it would not be possible to completely hide the site and so there would be visual harm experienced. The site,

however, benefits from extremely good screening by topography and established vegetation on its remaining south, west and north sides. The development is also sought for a temporary period, and is reversible.

- 6.14.4 More recent policy NRM15 of the South East Plan can allow for such development outside urban areas but with priority given to less sensitive parts of countryside. For this reason, I do not consider any conflict identified with policy ENV28 above represents a departure from the Development Plan. Clearly, medium to large scale renewable energy development is likely to have some noticeable impact on the countryside and in this case it is considered to be a localised impact. The site is not located within a sensitive landscape or has a harmful impact upon the setting of the AONB, and is located next to major infrastructure in the form of the CTRL and M20. There would be no unacceptable impacts upon ecology, heritage interests or residential amenity and there are no highway objections to the proposals.
- 6.14.5 I consider that this is a finely balanced case, however, taking into account the NPPF's position in terms of such development being considered central to sustainable development, and balancing the contribution of this renewable energy source, (capacity to generate 5MW of energy, equivalent to powering approximately 1,340 dwellings per year), against the localised visual harm and lack of any other unacceptable harm, I consider that on balance the proposed development is acceptable at this particular location.

6.15 Other Matters

- 6.15.1 The site is not located in an area with a high risk of flooding but a flood risk assessment (FRA) is required as it is over 1ha in area. The FRA demonstrates that surface water run off from the development would be low and a sustainable urban drainage system (SUDS) with swales is proposed to allow interception and infiltration of the flows. This would include two 'swales' of 15cm in depth and 15cm in width along the east edge of the site and along the west edge of the central wooded section and there would also be the introduction of small 'scrapes' across more central parts of the site. The Environment Agency has been consulted on the FRA and raises no objections subject to the SUDS measures being carried out. This is in accordance with policy NRM4 of the South East Plan and the NPPF for dealing with flood risk.
- 6.15.2 Other matters raised by local residents and not addressed above include alternative sites; cumulative impact with potential mineral quarry; precedent; the lack of benefits to the local community, employment or economy; impact on tourism; loss of property value; potential health risks from radio frequency electromagnetic radiation; pollution from toxins leaking from panels; fire risk; the applicant is member of Parish Council so they cannot act objectively; solar

arrays offered to Parish Council would not compensate for harm; and that the public consultation by the applicant has been poor.

- 6.15.3 In terms of alternative sites, there is no requirement for a sequential approach to sites for renewable energy development within the NPPF or South East Plan and therefore this proposal cannot be dismissed on the grounds of potential alternatives. The application before the Council must be determined on its own merits. The NPPF at paragraphs 97 and 98 refers to Local Planning Authorities identifying suitable areas for renewable energy sources, however, we are not currently in such a position and I note advice from Spatial Policy is that at present it is not considered necessary to designate areas appropriate for specific types of renewable energy development.
- 6.15.4 In terms of the potential minerals quarry, there is a preferred option for a soft sand quarry in the County Council's Draft Mineral Sites Plan immediately east of the site covering an area of 60ha. Consultations on the preferred sites were carried out earlier in the year and Maidstone Council raised objections. The next stage is the production of a draft Mineral Site Plan currently scheduled for September 2013 with adoption expected in September 2014. Clearly, this proposed quarry is being advanced by the County and could be implemented. However, at present it has not been adopted and there is no guarantee it will happen and so it can only be given low weight in the consideration of this application. Notwithstanding this, if the quarry was adopted, it would cover an area of some 60ha and in this context it is considered that the cumulative impact with the proposed solar park (14ha) would not be significant.
- 6.15.5 In terms of precedent, any decision to approve this application would only judge that this renewable energy development is acceptable at this particular location. It would not set a precedent that such development is acceptable anywhere in the Borough. It is a well held planning principle that each application must be judged on its own merits.
- 6.15.6 In terms of benefits, the NPPF at paragraph 93 recognises that the delivery of renewable energy and associated infrastructure is central to the economic, social and environmental dimensions of sustainable development. Advice from the Council's Economic Development Section, states that, "*the proposal will help to promote sustainable growth and energy security in both the local area and the Borough as a whole and it is envisaged that a site of such a size will provide an excellent example of our intent to move towards a low carbon economy and will have the subsequent effect of stimulating growth in this growing industry sector.*" As such, there are clearly wider recognised benefits associated with such development.

- 6.15.7 It is not considered that the development would have any significant impact upon tourism. The main potential impact would be on users of local footpaths, and for the reasons outlined above, the impact on these footpaths is not considered to be so significant such that it would deter people from coming to the area. The loss of property value is not a material planning consideration.
- 6.15.8 In terms of health risks, the applicant has advised that the level of electromagnetic radiation is below the legally permissible values, which is controlled by other legislation and the solar panels do not contain any toxic substances which could leak. I am informed that the materials used are poorly flammable and I would not suggest that there is any great risk of fire from this particular development that would warrant objection.
- 6.15.9 Comments in relation to the position of the applicant within the Parish Council are not matters for the Borough Council to consider in determining this application. The application is being reported to Planning Committee for a decision on the request of a Ward Councillor and the Parish Council. The issue of solar panels for the Parish Council has been discussed at paragraph 5.3.10. They do not form part of the proposals and are not considered as part of the assessment of this application. Consultations carried out by the applicant/agent are a matter for themselves. The Borough Council has consulted over 100 nearby properties and erected 6 site notices in public places around the site and so has met the requirements for publicity of the application.

6.16 Conditions

6.16.1 Conditions are recommended to cover the following matters:

- Standard implementation within 3 years.
- 25 year temporary permission to include a restoration scheme to ensure the land returns to agricultural use. (25 years is the period of time proposed by the applicant based on the lifespan of the solar panels)
- Detailed landscaping scheme (planting specification, long-term management and maintenance plan (10 years) for retained and proposed).
- Detailed ecological management plan and GCN mitigation strategy (to include changes to proposed cutting regime of grassland).
- Prevention of any external lighting being installed once operational.
- Removal of permitted development rights for fencing, surfacing etc.
- Construction phase traffic management plan.
- Details of materials for inverter stations and colour of fence.

- Archaeological field evaluation works.
- Implementation of flood risk assessment.
- Precise details of any cabling within root protection areas.
- To ensure development is carried out strictly in accordance with approved plans.

7. CONCLUSION

- 7.1 I consider that this is a finely balanced case but taking into account the NPPF's position in terms of such development being considered central to sustainable development, and balancing the contribution of this renewable energy source, (capacity to generate 5MW of energy, equivalent to powering approximately 1,340 dwellings per year), against the localised visual harm and lack of any other unacceptable harm, I consider that on balance the proposed development is acceptable at this particular location. I have taken into account all representations made on the application but this does not lead me to a different conclusion. It is recommended that temporary 25 year permission be granted subject to the following conditions.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Within 25 years of the date of this decision, or within six months of the cessation of electricity generation by the solar PV facility, or within six months following a permanent cessation of construction works prior to the solar facility coming into operational use, whichever is the sooner, all development hereby permitted including the solar PV panels, frames, inverter modules, all foundations, track ways and all associated structures and fencing shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored to agricultural land in accordance with a scheme, the details of which shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development;

Reason: To ensure the achievement of satisfactory restoration of the land in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, policies NRM15 and C4 of the South East Plan 2009 and the NPPF 2012.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 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. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and include the following:
 1. Detailed planting specification of new, trees, shrubs and hedgerows to include planting mixes in accordance with the Council's Landscape Character Assessment and Landscape Guidelines.
 2. Detailed planting specification of new grassland and scrub areas to include planting mixes in accordance with the Council's Landscape Character Assessment and Landscape Guidelines.
 3. Retention of all existing hedgerows and trees within the site.
 4. Programme for the approved scheme's implementation and long term management.

Reason: To ensure a satisfactory appearance and setting to the development in accordance with policies ENV28 and ENV6 of the Maidstone Borough-Wide Local Plan 2000, policies NRM15 and C4 of the South East Plan 2009 and the NPPF 2012.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the implementation plan approved under condition 2 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 appearance and setting to the development in accordance with policies ENV28 and ENV6 of the Maidstone Borough-Wide Local Plan 2000, policies NRM15 and C4 of the South East Plan 2009 and the NPPF 2012.

5. No external lighting (whether permanent or temporary) shall be installed or retained at the site once operational;

Reason: In the interests of visual amenity and biodiversity in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, policies NRM5 and C4 of the South East Plan 2009 and the NPPF 2012.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no development shall be carried out at the site without prior planning permission from the Local Planning Authority;

Reason: In the interests of visual amenity in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, policy C4 of the South East Plan 2009 and the NPPF 2012.

7. The development shall not commence until a Construction Phase Traffic Management Plan (CPTMP) and programme of works has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size, and type), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The development shall be carried out strictly in accordance with the approved CPTMP.

Reason: In the interests of maintaining a safe and efficient highway network, and to protect surrounding environmental and amenity interests in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, policy C4 of the South East Plan 2009 and the NPPF 2012.

8. The development shall not commence until, written details and samples of the materials and colours to be used in the construction of the external surfaces of the buildings, fencing and solar panels hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, policy C4 of the South East Plan 2009 and the NPPF 2012.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed ecological management and enhancement plan for the site to include the recommendations of the 'Reports 4 Planning: Extended Phase 1 Habitat Survey' and the 'Great Crested Newt Mitigation Strategy' dated 29th June 2012 and the following:

1. Details of management and enhancement measures for the woodland area in the centre of the site to improve its biodiversity.
2. Details of management of all existing and proposed hedgerows to improve biodiversity.
3. Details for the creation of reptile refugia and hibernacula throughout the site.
4. Details for the provision of bird and bat boxes throughout the site.
5. Changes to the proposed cutting of existing grassland in the Great Crested Newt Mitigation Strategy to include a staggered cutting in at least two stages.
6. Programme for the approved scheme's implementation and long term management.

Reason: To ensure there is no detrimental impact upon ecological interest at the site and to enhance biodiversity in accordance with policy NRM5 of the South East Plan 2009 and the NPPF 2012.

10. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

1. Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
2. Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and historic landscape features and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: 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 in accordance with policy BE6 of the South East Plan 2009 and the NPPF 2012.

11. The sustainable urban drainage recommendations in the 'H20K Flood Risk Assessment' dated March 2011 shall be fully implemented prior to the operation of the site and thereafter maintained;

Reason: In the interests of sustainable flood risk management in accordance with policy NRM4 of the South East Plan 2009 and the NPPF 2012.

12. The development shall not commence until an arboricultural method statement providing the precise details of any cabling within the root protection area of retained trees in accordance with 'BS5837:2012 Trees in relation to design, demolition and construction - Recommendations' 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 safeguard existing trees to be retained, in the interests of biodiversity and to ensure a satisfactory appearance to the development pursuant to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, policy C4 of the South East Plan 2009 and the NPPF 2012.

13. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. 10203.01, 2051.AP.004.2.A, P11-0959-EK01(page 1), P11-0959-EK01(page 2), P11-0959-EI01-E (page 1), P11-0959-EI01-E (page 2), P11-0959-EI01-E (page 3) and A3 grid connection plan;

Reason: In the interests of visual amenity and to prevent harm to the residential amenity of nearby residential occupiers in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, policy C4 of the South East Plan 2009 and the NPPF 2012.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.