

**MAIDSTONE BOROUGH COUNCIL**

**PLANNING, TRANSPORT AND DEVELOPMENT OVERVIEW AND  
SCRUTINY COMMITTEE**

**17 DECEMBER 2013**

**REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT**

**Report prepared by Darren Bridgett**

**1. SOLAR ENERGY PLANNING POLICY ADVICE NOTES**

**1.1 Key issue for decision**

To consider the attached guidance documents at Appendix A (Planning policy advice note: Domestic and medium scale solar PV arrays (up to 50kW) and solar thermal) and Appendix B (Planning policy advice note: Large scale (>50kW) solar PV arrays) as planning policy advice notes that will advise decision makers when determining planning applications.

**1.2 Reason for urgency**

- 1.2.1 This decision is urgent so that the documents proposed for adoption as planning policy advice notes can be used to guide planning applications already submitted to the council. A number of screening opinions, to determine if an environmental impact assessment is required, prior to potentially submitting an application, have also been submitted to the council. This means that potentially more applications for this type of development could soon be submitted to the council.

**1.3 Recommendation of the Head of Planning and Development**

That the Planning, Transport and Development Overview and Scrutiny Committee (PTD OSC) recommends that the Cabinet Member for Planning, Transport and Development adopt the planning policy advice notes at Appendix A (Planning policy advice note: Domestic and medium scale solar PV arrays (up to 50kW) and solar thermal) and Appendix B (Planning policy advice note: Large scale (>50kW) solar PV arrays) as planning policy advice notes that will advise decision making when determining planning applications.

#### 1.4 Reasons for recommendation

- 1.4.1 The technology behind solar photovoltaic (PV) panels has existed for a number of years and has in the main been utilised in fairly small scale schemes, such as on the roofs of buildings. The government provides two incentives to encourage the generation of renewable energy which have had a significant impact on the demand for the development of large-scale PV installations in the UK:
- a. Renewable Obligation Certificates (ROC) which are an incentive for the deployment of large scale renewable energy in the UK. The Renewable Obligation is currently only available to new electricity generators until 31 March 2017 and lasts for 20 years; and<sup>1</sup>
  - b. The 'Feed-in Tariff' (FiT), which provides an index-linked guaranteed subsidy for smaller scale solar PV from central government for 25 years.
- 1.4.2 To date in Maidstone Borough there has been one permitted planning application for a solar farm at Lenham, there is one application currently awaiting determination and there are/have been a number of screening opinions submitted (to ask if an environmental impact assessment is required) for large scale solar farms.
- 1.4.3 Currently the council has no adopted planning policy or guidance referring to solar energy and solar farm developments of any size. Policy DM2 – Renewable and low carbon energy schemes, of the emerging Maidstone Borough Local Plan will deal with larger scale renewable energy developments including solar farms, but this can only provide a high level guidance on the policy issues that need to be considered. The advice notes that are recommended for adoption in this report are consistent with the policy proposed in the plan. These notes cover technical issues including landscape and visual impact and traffic generation.
- 1.4.4 At the national level the National Planning Policy Framework is not specific about solar farms but advises that local authorities should have a positive strategy to promote energy from renewable sources whilst ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts. Further guidance on solar farms was published by the Department for Communities and Local Government (DCLG) in July 2013 (Planning practice for renewable and low carbon energy) which covers a range of issues that need to be considered by planning authorities when considering large scale solar farms. This document is referred to in the supporting text of emerging policy DM2 – Renewable and low carbon energy schemes.

---

<sup>1</sup> In the near future the Government is likely to change the way that it subsidises large scale renewable energy installations: <http://www.bbc.co.uk/news/uk-politics-25210963>.

- 1.4.5 As an emerging industry, there are few examples of detailed planning guidance that are in use by other local authorities around the country. However, Cornwall Council has seen significant activity as it has the highest solar irradiation levels in the UK. It has produced two detailed guidance notes that provide a best practice template. Ashford Borough Council has taken the core of this document and amended it for local use. With both Cornwall's<sup>2</sup> and Ashford's<sup>3</sup> permission, Maidstone officers have adapted versions of these documents dealing with, firstly, domestic and medium scale solar arrays and secondly, large scale arrays so that they are applicable to the context of this borough. The Kent Planning Officers' Group (KPOG) is currently exploring the potential for these guidance notes to be shared among the Kent districts to provide relevant county-wide guidance on this issue.
- 1.4.6 It is important to note that both guidance notes are principally concerned with providing good practice to potential applicants on the planning and development of solar proposals. To a significant extent they expand on the issues that local planning authorities should take into account when making decisions on planning applications identified by DCLG guidance in July 2013. They are not intended as policy documents stating where such proposals will or will not be considered acceptable by the local planning authority but instead, set out the most important criteria by which schemes should be judged on an individual case by case basis. They also set out key procedural guidance including the scope of information that would normally be expected to accompany any planning application for such developments.
- 1.4.7 This report therefore recommends that PTD OSC recommends to the Cabinet Member for Planning, Transport and Development that these two documents (Appendix A and Appendix B) be adopted as planning policy advice notes which will assist in the decision making process when the council has to determine relevant planning applications.

## 1.5 Alternative action and why not recommended

- 1.5.1 The council could publish the proposed guidance documents for wider public consultation, including with the solar power industry. This would enable the council to take account of any comments that were made and then subsequently adopt the documents.

---

<sup>2</sup> Cornwall Council: Renewable energy planning guidance note 1: The development of domestic and medium scale solar PV arrays (up to 50kW) and solar thermal and Renewable energy planning guidance note 2: The development of large scale (>50kW) solar PV arrays.

<sup>3</sup> Ashford Borough Council: Renewable energy planning guidance note 1: The development of domestic and medium scale solar PV arrays (up to 50kW) and solar thermal and Renewable energy planning guidance note 2: The development of large scale (>50kW) solar PV arrays.

1.5.2 This may have the benefit of providing additional weight in planning terms to the content of the documents when it comes to the decision-making process.

1.5.3 However, there are timescale implications for such an approach which would involve delay to the adoption of the documents. Given the interest in these developments, any such delay would have implications for the council's ability to determine applications if it wished to take the proposed advice into account. The council could choose to review this position at an appropriate point in the future if it considers that consultation on process would be beneficial. Any review would need to be programmed into the future work timetable.

## 1.6 Impact on corporate objectives

1.6.1 For Maidstone to be a decent place to live. The development of solar farms is an emotive issue and for some people living in the borough, the way that these developments affect the countryside will be key to their perspective of the borough as having a decent living environment. This issue needs to be addressed with sufficient objectivity and sensitivity, which is why the adoption of these documents as planning policy advice notes is recommended.

## 1.7 Risk management

1.7.1 There is the risk that these documents may in the longer term be superseded by national guidance. However, the government has at the moment issued only high level practice guidance (DCLG, July 2013). In this instance, the relatively small resource required to produce these documents and to adopt as planning policy advice notes means that the council is in a beneficial position.

1.7.2 There is a risk that further policy prescription may be required. While this may be a risk, policy DM2 – Renewable and low carbon energy schemes, will be adopted as part of the emerging Maidstone Borough Local Plan. When adopted this policy will add weight to the technical guidance provided in the planning policy advice notes.

## 1.8 Other implications

### 1.8.1

1.	Financial	
2.	Staffing	
3.	Legal	X
4.	Equality impact needs assessment	
5.	Environmental/sustainable development	X
6.	Community safety	
7.	Human Rights Act	
8.	Procurement	
9.	Asset management	

1.8.2 Legal. There are legal implications stemming from the adoption of this document and how it is used. This is not a policy document and cannot be used to determine applications in itself. This document provides guidance for developers and for officers and members as part of the decision making process.

1.8.3 Environmental/sustainable development. The submission of solar farm applications is seen by the public as either contributing to or detracting from the environment/sustainable development agenda. In any case these documents will provide further guidance so that decisions can be made appropriately.

## 1.9 Relevant documents

1.9.1 None.

### 1.9.2 Appendices

1.9.3 Appendix A. Planning policy advice note: Domestic and medium scale solar PV arrays (up to 50kW) and solar thermal.

1.9.4 Appendix B. Planning policy advice note: Large scale (>50kW) solar PV arrays.

### 1.9.5 Background documents

1.9.6 None.

**IS THIS A KEY DECISION REPORT?**

Yes

X

No

If yes, this is a Key Decision because: It affects all wards and parishes

.....

Wards/Parishes affected: All.....

.....