

2.3 REFERENCE NO - 23/502210/FULL		
PROPOSAL Construction of a solar farm together with control building, switch room, substations and compound, point of connection equipment, store room, access track, security measures, associated infrastructure and works, landscaping and biodiversity enhancements.		
SITE LOCATION Land on Either Side of Vigo Lane And Wrens Road, Sittingbourne, Kent, ME9 8LA		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
APPLICATION TYPE Major		
REASON Bredgar Parish Council and Borden Parish Council object to the proposal. The main concerns of the Parish Councils are: <ul style="list-style-type: none"> • Loss of agricultural land • Impact on the National Landscape • Impact on dormouse due to hedgerow removal 		
Case Officer Carly Stoddart		
WARD Borden and Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Industria Solar Vigo Ltd. AGENT Wardell Armstrong LLP
DATE REGISTERED 05/05/2023		TARGET DATE 14/08/2024
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - All drawings submitted. All representations received. Agricultural Land Classification Report, dated April 2023 (uploaded 03 May 2023) Alternative Site Assessment, dated April 2023 (uploaded 03 May 2023) Landscape and Visual Assessment and associated viewpoints, dated April 2023 (uploaded 03 May 2023) Landscape and Visual Assessment Technical Note and associated viewpoints, dated 19/02/2024 (uploaded 26 February 2024) Landscape and Visual Appraisal - Landscape Strategy Plan NT16093-LVA 116 Rev B, dated 08/03/2023 (uploaded 26 February 2024) Agent Response to Consultee Comments, dated 19 April 2024 (uploaded 19 April 2024) Agent Response to National Highways, dated 18 April 2024 (uploaded 18 April 2024) Letter to KCC PROW, dated 29 September 2023 (uploaded 29 September 2023)		

Noise Assessment Report, dated April 2023 (uploaded 03 May 2023)

Transport Statement, dated April 2023 (uploaded 03 May 2023)

Glint Assessment, dated April 2023 (uploaded 03 May 2023)

Letter to KCC Highways, dated 29 September 2023 (uploaded 29 September 2023)

Transport Technical Note, dated 11/01/2024 (uploaded 23 January 2024)

Letter from Wardell Armstrong, dated 9 February 2024 (uploaded 09 February 2024)

Agent Response to National Highways dated, 18 April 2024 (uploaded 18 April 2024)

Breeding Bird Survey, dated April 2023 (uploaded 03 May 2023)

Biodiversity Offsetting Assessment, dated April 2023 (uploaded 03 May 2023)

Wintering Bird Survey, dated April 2023 (uploaded 03 May 2023)

Ecological Appraisal, dated April 2023 (uploaded 03 May 2023)

Biodiversity Matrix, undated (uploaded 19 September 2023)

Response to KCC Ecology Comments, dated 19 September 2023 (uploaded 19 September 2023)

Archaeological and Heritage Statement, dated April 2023 (uploaded 03 May 2023)

Flood Risk Assessment, dated 2023 (uploaded 03 May 2023)

Land Contamination Assessment, date 03 April 2023 (uploaded 03 May 2023)

Outline Decommissioning Plan, dated May 2023 (uploaded 12 May 2023)

The full suite of documents submitted pursuant to the above application are available via the link below: -

[23/502210/FULL | Construction of a solar farm together with control building, switch room, substations and compound, point of connection equipment, store room, access track, security measures, associated infrastructure and works, landscaping and biodiversity enhancements. | Land On Either Side Of Vigo Lane And Wrens Road Sittingbourne Kent ME9 8LA \(midkent.gov.uk\)](https://midkent.gov.uk/23/502210/FULL%20Construction%20of%20a%20solar%20farm%20together%20with%20control%20building%20switch%20room%20substations%20and%20compound%20point%20of%20connection%20equipment%20store%20room%20access%20track%20security%20measures%20associated%20infrastructure%20and%20works%20landscaping%20and%20biodiversity%20enhancements%20Land%20On%20Either%20Side%20Of%20Vigo%20Lane%20And%20Wrens%20Road%20Sittingbourne%20Kent%20ME9%208LA)

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site comprises agricultural fields with a combined area of approx. 61.44ha and is located south of Oad Street and Borden with the M2 motorway located to the south. The site is intersected by two roads, Vigo Lane and Wrens Road. There are also public rights of way (PRoWs) and bridleway adjacent to and running through the site.
- 1.2. The land is within the open countryside and comprises agricultural land. The site is not subject to any landscape designations but is identified in the Swale Landscape Character and Biodiversity Appraisal SPD (SLC&BA) as being within the Tunstall Farmlands character area (no.42). The land on the opposite side of the M2 motorway is designated as a national landscape (formerly known as AONB).

- 1.3. The topography of the site is such that the site rises gradually towards the south, with the highest point being towards the west of the western field. The eastern fields are slightly undulating.
- 1.4. The site is not within a conservation area and there no listed buildings on the site nor are there any trees subject to a TPO. There are however listed buildings to the north of the site.
- 1.5. The site is wholly within flood zone 1.
- 1.6. There is a scattering of residential properties along the country lanes mainly to the north and some to the east. There are also residential properties to the southern side of the M2 motorway.

2. PLANNING HISTORY

- 2.1. **22/500693/ENVSCR** - EIA Screening opinion for Proposed Solar Farm.

Environmental Impact Assessment not required, 25/02/2022

3. PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the construction of a solar farm together with control building, switch room, substations and compound, point of connection equipment, store-room, access track, security measures, associated infrastructure and works, landscaping and biodiversity enhancements.

Solar Panels

- 3.2. The solar panels would be arranged in rows on an east-west alignment and facing south to maximise sunlight exposure.
- 3.3. Each panel would be two in portrait and measure approx. 2.2m (l) x 1.1m (w) x 0.3m (d). There would be a 20mm rain gap between the two level of panels to aid drainage.
- 3.4. The panels would be angled at 25 degrees for optimum solar gain, with the rear being a maximum of 3m from ground level and 0.8m from ground level at the front.
- 3.5. The pitch of each row of panels would be 8.5m apart with approximately 4.4m clearance distance to reduce overshadowing and allow access for any required maintenance.

Invertors

- 3.6. Inverters would be positioned on the rear of the panels. Inverters convert the Direct Current (DC) electricity generated by the panels into Alternating Current (AC) before it is exported to the local distribution network. They would be placed at regular intervals along the rows of panels.

Substation Compound

- 3.7. A substation compound would be located in the southern area of the site. It would comprise a transformer, the switchgear, isolation and metering equipment.
- 3.8. The customer substation building would be approx. 6m (l) x 4m (w) x 2.75m (h) and located to the immediate south of the compound area. The building would comprise the switchgear, isolation and metering equipment. The building would be constructed of galvanised steel and coloured olive green (RAL 6003).
- 3.9. The compound area would be divided into two elements: the DNO (Distributer Network Operator) and customer substation. The DNO substation is high voltage and directly connects to the DNO's grid infrastructure, whereas the customer substation is the area where the developer has full access to their equipment and is the hub where the power from the solar farm is filtered across to the DNO substation and then out on to the local distribution network. There would be two separate access gates via the internal access track.
- 3.10. The substation compound would be approximately 20m x 43m in surface area. The height of the tallest piece of equipment within the compound would be both the high- and low-level disconnectors at approx. 5.25m. Flood lighting towers at a height of approx. 5m would also be within the compound.
- 3.11. All equipment would be contained within a 2.4m high galvanised security palisade fence and covered by the site-wide CCTV cameras.
- 3.12. A storage cabin would also be located near to the compound for the safe storage of spare equipment. The cabin would be approx. 6.2m (l) x 2.5m (w) x 3m (h). The cabin would also be constructed of galvanised steel and coloured olive green (RAL 6003).

Point of Connection

- 3.13. The point of connection would be located within the site boundary at an existing 132kV transmission tower, approximately 340m north of the substation compound. A cable route would run from the compound area to a low-level disconnector and surge arrestors which would then connect to the tower by downleads and anchor blocks. The disconnector and arrestors would both be approximately 4m in height.

Access and Internal Tracks

- 3.14. The site would be accessed from an existing farm track via Oad Street to the west of the site. The access track would reach from the access road along the southern boundary of the site, connecting the parcels of land by a crossing at both Vigo Lane and Wrens Road. This route uses existing field accesses used by agricultural vehicles.
- 3.15. Where new or upgraded tracks are required, these would take the appearance of vernacular farm tracks with a gravel surface. The gravel would be placed over a sub-surface which itself would be constructed on a geotextile membrane. The access tracks would reflect the appearance of typical access tracks.

Fencing and Security

- 3.16. A 1.9m high galvanised steel wire deer control fencing with woodland fence posts would be erected around all equipment, including solar panels to ensure the protection of infrastructure from damage. The fencing would include mammal gates to allow for the movement of local ecology through the site. Adjacent to the fencing would also be 117 infrared CCTV cameras atop a galvanised steel pole, measuring a total height of 3m. The cameras themselves would be coloured white. All cameras would be inward facing towards the site and equipment to ensure the security of the site without intruding on any private views.

Landscaping

- 3.17. The majority of existing hedgerows and trees would be retained, with new planting proposed where hedgerows have gaps or are of poorer quality. Overall, approximately 6km (3.7 miles) of native species hedgerows are proposed to be planted within the site.
- 3.18. Extensive new tree planting would occur along some sections of the site which border the M2 motorway and where the presence of trees is currently scant and two areas of tree planting are proposed on both sides of Wren Road.
- 3.19. Each field would be seeded with a locally appropriate wildflower mix to the benefit of pollinators, insects, and various bird species. A 10m buffer zone of wildflower grassland is being proposed between the site's fences and the solar equipment. A pond is also proposed amongst the meadow grassland near to Vigo Lane.

4. CONSULTATION

- 4.1. One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.
- 4.2. One letter of representation was received in relation to the consultation. Concerns were raised in relation to the following matters: -

Comment	Report reference
Visual impact	Section 7.4
Increased traffic and disruption	7.6.5 – 7.6.7, 7.6.10
Impact of Lighting	7.15.2
Loss of countryside, land, hedgerows and planting	7.8.27 – 7.8.32
Loss of nesting opportunities for birds	7.8.7 – 7.8.21
Impact of short term use and disposal of panels at the end of life	7.16.1
Increased flooding	7.11.3 – 7.11.6

- 4.3. **Bredgar and Borden Parish Councils** objected to the application on the following grounds: -

Comment	Report reference/ clarification
Bredgar and Borden Parish Councils Loss of grade 2, 3a and 3b agricultural land. Building development on grades 2 and 3a land is inconsistent with Swale planning policies, and is not welcome in this time of reduced food security	7.3.13 – 7.3.34
Bredgar and Borden Parish Councils The proposed farm will impact negatively on the setting of the AONB, in terms of visual impact, noise and light pollution and also the countryside gap.	Section 7.4, 7.5.10, 7.14.2 – 7.14.5, 7.15.2
Borden Parish Council Concerned hedge removal would destroy dormouse corridors.	7.8.24 – 7.8.26
Borden Parish Council If granted, construction traffic should enter the site by Vigo Farm and no traffic should enter the thoroughfare of the Oad Street settlement	7.6.10

- 4.4. In addition to the objection above, Bredgar and Borden Parish Council made further comments in recognition that due to the climate change crisis and need for urgent action, Swale Borough Council may take the view that this application merits an exception, and decide on approval. In such a situation Bredgar and Borden Parish Councils would raise no objection, provided that conditions are imposed to reduce the negative impact.
- 4.5. Further depth to the environmental improvements outlined could be the landowner/applicant investigating new ways of providing environmental benefits from the project such as the Government's Environmental Land Management Scheme (ELMS), by association with a carbon offset scheme or the Kent County Councils Tree Establishment Strategy "Plan Tree". This might enable the planting of woodland on the southern side opposite the solar farm to provide additional benefits for the environment, wildlife, a natural sound barrier against traffic noise from the M2, offset harm to the setting of the AONB and enhance the tranquillity of the AONB. The Parish Council would like to engage with and support any such initiatives if contacted.
- 4.6. Members are asked to consider the above potential conditions fully, with a view to enabling a boost to the 'green energy' provision in Kent, while minimising damage and creating a positive impact on the environment.

5. REPRESENTATIONS

- 5.1. Set out below is a summary of matters raised in representations, with the comments reflecting the final position of the consultee. There has been one rounds of consultation for most consultees. For those individual consultees that have been consulted more than once, it is stated under their heading below.

5.2. **National Highways:** - There have been five rounds of consultation.

National Highways initially issued a holding objection requesting further details regarding collision data related to the Oad Street and A249 junction concerns raised regarding the impact of glint and glare on the users of the M2 motorway. Conditions were recommended regarding other aspects of the proposal.

Following the submission of further information, National Highways are now content that the proposal would not have an unacceptable impact on highway safety, reliability and/or operation efficiency of the strategic road network. Further conditions have been recommended.

5.3. **Environment Agency:** - No objection subject to suggested planning conditions being included.

5.4. **Natural England:** - Advise officers to use Impact Risk Zones to determine whether proposals impact statutory nature conservation sites and to use Natural England's standing advice.

5.5. **Historic England:** - Not offering advice on these proposals

5.6. **Southern Water:** -Provide extract of their records showing approximate position of water trunk mains within the site and give advice on the proximity of development and/or natural features. Advice is provided regarding any sewers found to be crossing the site and in relation to Sustainable Urban Drainage Systems (SUDs).

5.7. **Lower Medway Internal Drainage Board:** -The site is outside the drainage district of the Lower Medway Internal Drainage Board and the application proposal is beyond our remit.

5.8. **Swale Footpaths Groups:** - The proposed site plan shows the PROWs (ZRs 138, 134, 169 and 141) across the site as remaining unobstructed. If permission is granted, they could be waymarked across the site.

5.9. **Kent Downs National Landscape Unit (Formerly AONB Unit):** - There have been three rounds of consultation.

Initially requested further viewpoints from the National Landscape be undertaken and expressed concern with limited planting proposals along the southern boundary, the siting of the substation and compound and other associated infrastructure to the southern end of the site as well as the colour of the structures being proposed as olive green. Stated the need for a condition to ensure agricultural management of the land for return to agricultural use at the end of the temporary permission.

Other than the colour of the infrastructure, the concern with regard to the impact on the National Landscape as a result of the aspects described in the paragraph above remain. Request for more structural planting along the southern boundary.

5.10. **KCC Ecology:** - There have been four rounds of consultation.

The initial response requested further ecological information in relation to the mitigation strategy for farmland birds, badger mitigation strategy, additional survey information for hazel dormouse and the BNG Defra metric calculation spreadsheet and condition assessment sheets.

In response to further information, KCC Ecology are satisfied that sufficient information has been submitted and no objection is raised subject to a number of conditions.

5.11. **KCC Flood and Water Management:** - No objection in principle subject to suggested conditions. Advice given is in terms of the modelling to be used for further calculations to address the suggested conditions.

5.12. **KCC PRow:** - There have been six rounds of consultation (this in part due to consultations not having been received by the relevant officer on two occasions)

The Public Rights of Way affected by the site are listed. Initially a holding objection was issued. Throughout the consultation responses concerns expressed around the omission of reference to some of the above PRow routes, safety aspects of the site access during construction, the location of the construction compound, the CCTV coverage, width of footpaths, location of the substation, lighting towers, inadequate signage and the extent and density of the solar array. A request for a financial contribution was made with the view to compensate harm arising from the proposal.

The most recent response indicates there is still concern with regard to the safe use of the access during construction, the location of the construction compound, the CCTV coverage, widths of the PRow, location of the substation and lighting towers and lack of agreement to the requested financial contribution.

5.13. **KCC Highways:** - There have been three rounds of consultation.

The initial response raised no objection to the use of the access and the trio generation subject to relevant conditions. Further details were requested with regard to the number of passing places along the internal access road.

Following receipt of the requested information, KCC Highways is satisfied with the proposal subject to recommended conditions.

5.14. **KCC Archaeology:** - Agree that the present baseline has not found any heritage assets that would preclude development and that the development impacts in terms of ground disturbance are limited and can be managed. Satisfied potential impacts can be addressed through further assessment, evaluation and design that can be secured by condition.

5.15. **Kent Police:** - There have been two rounds of consultation.

Provision of advice from a general crime reduction and safety aspect. Recommend a 2m or higher metal security fence. Deer fencing offers little security value from a determined attack. However, appreciate the rural nature of this large site and acknowledge that the installation of a full high spec security fence would probably not be Appropriate, Realistic and Cost effective (ARC) or in keeping with rural environment. Regular fence patrols are recommended to ensure that any fencing has not been attacked or compromised.

5.16. **Mid Kent Environmental Health:** - There have been two rounds of consultation.

The Contaminated Land Assessment is satisfactory and concludes a low risk. Conditions are suggested.

5.17. **SBC Heritage:** - No objection in principle to the proposed development provided there is effective landscape mitigation to block or limit intervisibility between the Grade II listed Sutton Baron House and Sutton Baron Hall, located to the north of the site and other affected heritage assets and the proposed solar farm. Conditions are recommended.

5.18. **SBC Tree Officer:** - The main impact of the development will result in the removal of five short sections of hedgerow to accommodate new access points. This would not be detrimental and can be easily mitigated through compensatory planting. A condition is recommended to secure this.

6. DEVELOPMENT PLAN POLICIES

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017

- ST1** Delivering Sustainable Development in Swale
- CP4** Requiring Good Design
- CP7** Conserving and Enhancing the Natural Environment – Providing for Green Infrastructure
- CP8** Conserving and Enhancing the Historic Environment
- DM6** Managing Transport Demand and Impact
- DM7** Vehicle parking
- DM14** General Development Criteria
- DM19** Sustainable Design and Construction
- DM20** Renewable and Low Carbon Energy
- DM21** Drainage and Flood Risk
- DM24** Conserving and Enhancing Valued Landscapes
- DM28** Biodiversity and Geological Conservation
- DM31** Agricultural Land
- DM32** Development Involving Listed Buildings
- DM33** Development Affecting a Conservation Area
- DM34** Scheduled Ancient Monuments and Archaeological Sites

Supplementary Planning Guidance/Documents

- Landscape Character and Biodiversity Appraisal, 2011

- Renewable Energy Planning Guidance Note 1: The Development of Domestic and Medium Scale Solar PV Arrays up to 50kW and Solar Thermal, 2014
- Kent Downs AONB Management Plan 2021-2026
- Renewable Energy Position Statement (2011) By Kent Downs AONB Unit
- Guidance on the Selection and Use of Colour in Development by Kent Downs AONB Unit

The National Planning Policy Framework

7. ASSESSMENT

- 7.1. This application is reported to the Committee because two Parish Councils have objected to the proposal. Considering these comments, the committee is recommended to carefully consider the following points: -
- Loss of agricultural land
 - Impact on the National Landscape
 - Impact on dormouse due to hedgerow removal
- 7.2. The main considerations involved in the assessment of the application are:
- The Principle of Development
 - Landscape and Visual Impact
 - Public Right of Ways
 - Transport and Highways
 - Glint
 - Ecology
 - Heritage
 - Archaeology
 - Flood Risk, Drainage and Surface Water
 - Contamination
 - Air Quality
 - Living Conditions
 - Designing out Crime
 - Decommissioning

7.3. Principle

- 7.3.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 7.3.2. The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

7.3.3. Need

- 7.3.4. The Climate Change Act 2008 (as amended) sets out the legal obligation of the UK to achieve a 100% reduction in greenhouse gas emissions from 1990 levels (net zero) by 2050. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.
- 7.3.5. Locally, Swale Borough Council declared a climate and ecological emergency on 26 June 2019 and through its Climate and Ecological Emergency Action Plan, 2020 (CEEAP) has made a firm commitment to the borough becoming a carbon neutral Council by 2030. The CEEAP identifies renewable energy generation within the borough as a key component of how Swale will achieve zero net carbon emissions by 2030.
- 7.3.6. More recently, the British Energy Security Strategy (2022) strengthened policy support for ground-based solar on non-protected land, showcasing the increasing importance of photovoltaic technology. This Strategy states that the ambition is to achieve 70GW of solar capacity by 2035. Solar farms can be constructed quickly on land under just one or a few ownership titles, significantly boosting the renewable energy generated in the UK in the short term rather than relying on a large number of owners to be in a position to consider roof-mounted panels, particularly in times of economic hardship. The temporary nature of large-scale solar farms speeds up the transition of domestic renewable energy sources whilst other sources are enhanced or developed.
- 7.3.7. Chapter 14 of the NPPF specifically relates to meeting the challenge of climate change stating that the planning system should support the transition to a low carbon future. At paragraph 163(b), the NPPF says that when determining planning applications for renewable and low carbon development, Local Planning Authorities should approve the application if its impacts are (or can be made) acceptable. This is supported locally at Policies ST1(10b) and DM20 of the Local Plan.
- 7.3.8. The submitted documentation states that, '*the proposed development would significantly support the goals of and contribute to both local and national Climate Change targets*'. The solar farm would generate 40MW of electricity every year which is enough to power 11,550 homes annually and is the equivalent of offsetting 8,152 tonnes of CO2 emissions per year.
- 7.3.9. In addition, solar farms are an opportunity to address other concerns, such as the Ecological Emergency which is widely acknowledged nationally and jointly declared alongside the Climate Emergency by SBC and Kent County Council. The BNG result for the project is 190.54% in linear units and 299.32% in hedgerow units which is a very significant net gain in biodiversity.
- 7.3.10. Recent appeal decisions indicate that substantial weight and significant weight is being attached to the benefits of renewable energy generation and BNG improvements respectively.

- 7.3.11. Given the strong policy support for the proposal, the principle of the development is acceptable. However, the consideration of more detailed matters, including the environmental impact is required.
- 7.3.12. Subject to the assessment of the detailed matters, the principle of the proposal for renewable and low carbon energy development in the form of solar panels is supported by the Government at national level at paragraphs 163 of the NPPF and at a local level by Local Plan Policies ST1 and DM20. The assessment of more detailed matters is set out below.
- 7.3.13. Agricultural Land and Alternative Sites
- 7.3.14. The application site is located within the countryside and comprises agricultural land.
- 7.3.15. Paragraph 88 of the NPPF supports development for a prosperous rural economy stating at subsection (b) that planning policies and decisions should enable:
b) the development and diversification of agricultural and other land-based rural businesses.
- 7.3.16. Paragraph 180(b) of the NPPF says that planning decisions should contribute to and enhance the natural and local environment by:
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 7.3.17. Policy DM31 of the Local Plan states that development on agricultural land will only be permitted where there is an overriding need that cannot be met within the built-up area boundaries and Policy DM20(4) of the Local Plan requires schemes on agricultural land to demonstrate that poorer quality land has been used in preference to higher quality and in exceptional cases, where schemes are demonstrated as necessary on agricultural land, that they fully explore options for continued agricultural use.
- 7.3.18. Best and most versatile agricultural land (BMV) is defined in the NPPF as land in grades 1, 2 and 3a of the Agricultural Land Classification. At footnote 62 of the NPPF, there is a preference for the development of areas of poorer quality land over higher quality where significant development of agricultural land is demonstrated to be necessary and the availability of agricultural land used for food production should be considered, alongside the other policies in the framework when deciding what sites are most appropriate for development.
- 7.3.19. For planning applications, specific consultations with Natural England are required under the Development Management Procedure Order in relation to best and most versatile agricultural land. These are for non-agricultural development proposals that are not consistent with an adopted local plan and involve the loss of twenty hectares or more of the best and most versatile land. Natural England (NE) has been consulted on this application but did not comment on the proposal.
- 7.3.20. An Agricultural Land Classification report has been submitted with the application. The report concludes that the site is predominantly Subgrade 3a – good quality

(approx. 32.07 ha, 53%) and Grade 2 – very good quality (approx. 22.55 ha, 37.3%) with smaller areas of Subgrade 3b – moderate quality (approx. 5.73ha, 9.4%) and some areas in non-agricultural use (approx. 11 ha, 0.2ha).

7.3.21. The proposal would therefore predominantly sit on BMV agricultural land.

7.3.22. As stated above, the proposed development is supported by Policy DM20 of the Local Plan, which states that standalone renewable installations, amongst other criteria, shall demonstrate:

4. For schemes on agricultural land, it has been demonstrated that poorer quality land has been used in preference to higher quality. In exceptional cases, where schemes are demonstrated as necessary on agricultural land, that they fully explore options for continued agricultural use;

7.3.23. Alternative Sites

7.3.24. The application has also been supported by an Alternative Site Assessment to identify other potential suitable sites for the proposed development within 3km of the point of connection (beyond this, a solar farm connecting to this point of connection would not be deemed viable). The consideration of alternative sites is undertaken within certain parameters. These are that:

the site must realistically be able to host a facility of the same size, with similar associated construction and grid connection costs which means it needs to be in close proximity to a grid connection point.

the parcel of land needs to be of a sufficient size to accommodate the equipment for a 40MW solar farm and therefore approx. 60 ha is required.

the equipment needs to be located outside of areas at risk of flooding, to avoid damage to electrical equipment in times of flood.

the site needs to avoid designated landscape, heritage and ecological assets and any other known environmental constraints.

7.3.25. Ideally, alternative sites would be sought on lower quality agricultural land (grades 3b, 4 and 5), or previously developed land.

7.3.26. After taking into consideration of the above parameters only a small number of sites (5) for this scale of solar farm were identified. Within 3km of the point of connection provisional data suggests that the surrounding agricultural land is also mostly Grade 2, with Grade 1 'Excellent' to the north and Grade 3 to south (it is not specified whether this is Grade 3a or 3b). This is consistent with the Council's own GIS mapping system. Other constraints that have been taken into account when considering alternative sites include (but are not limited to): the area designated as the Kent Downs National Landscape, listed buildings, conservation areas, protected military remains, flood zones 2 and 3, minerals safeguarding areas, areas of high landscape value, local designated sites of biodiversity, ancient woodland and the M2 motorway.

7.3.27. The potential alternative sites have been carefully considered taking account of the parameters and the constraints of each site and it is considered that it has been sufficiently demonstrated that there is no alternative site.

- 7.3.28. Neither the NPPF, nor the Local Plan policy prevent the use of BMV agricultural land but requires that the benefits need to justify the loss. The proposal would change the use of the land for a period of 40 years, which accords with the life expectancy of new panels. Whilst this is a significant period of time it is not permanent.
- 7.3.29. Given the height and angle of the proposed panels, grass will be able to grow under the panels satisfactorily as well as between the rows of panels, effectively leaving the site fallow, allowing the fields to be brought back into agricultural use in the future including for food production ensuring food security is not compromised.

Continued Agricultural Use

- 7.3.30. The land could still be put to agricultural uses such as livestock grazing and that the solar farm will create an alternative income for the farming business.
- 7.3.31. It is recognised that the land can still play an important part in both agricultural and environmental purposes. Grazing can take place across the land below the proposed panels and also the land can be rested and left to develop as wildlife meadow.
- 7.3.32. It is considered that the proposal would not result in a harmful loss of agricultural land and that alternative sites have sufficiently been considered. The proposal would not conflict with Local Plan policy.
- 7.3.33. The temporary loss of BMV agricultural land is not contrary to the policies as set out within the development plan and the NPPF and the benefits through the provision of a solar farm generating renewable energy in this location are considered to outweigh the temporary loss of this agricultural land. As such, the effect on and temporary loss of agricultural land affords limited weight in the planning balance.
- 7.3.34. Having taken account of the need, the siting on agricultural land and the consideration of alternative sites, the proposal is in accordance with the Local Plan and NPPF.

7.4. Landscape and Visual Impact

- 7.4.1. National and Local renewable energy policies adopt a supportive approach towards renewable energy and provide that development will be approved where any harm would be outweighed by the benefits.
- 7.4.2. The NPPF requires that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 7.4.3. The NPPF also attaches great weight to conserving and enhancing landscape and scenic beauty in National Landscapes (formerly AONBs), stating that *‘the scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid and minimise adverse impact on the designated areas’*.

- 7.4.4. The proposal is for a solar farm on an agricultural lane outside the built-up boundary. The application site itself is a non-designated landscape. The land on the opposite of the M2 motorway, which is designated as the Kent Downs National Landscape.
- 7.4.5. Local Plan Policies ST1 and DM14 of the Local Plan both contain parts that seek to conserve and enhance the natural environment.
- 7.4.6. Policy DM24 of the Local Plan specifically relates to conserving and enhancing valued landscapes. Part A of this Policy refers to designated landscapes including their setting. Part B relates to non-designated landscapes.
- 7.4.7. Part A of Policy DM24 of the Local Plan states that *'major development within AONBs should be refused unless exceptional circumstances prevail as defined by national policy'*. Part A of Policy DM24 then goes on to provide specific criteria for granting planning permission for development within a national landscape. The criteria is as follows:
1. conserving and enhancing the special qualities and distinctive character of the AONB in accordance with national planning policy;
 2. furthering the delivery of the AONB's Management Plan, having regard to its supporting guidance documents;
 3. minimising the impact of individual proposals and their cumulative effect on the AONB and its setting, mitigating any detrimental effects, including, where appropriate, improving any damaged landscapes relating to the proposal; and
 4. being appropriate to the economic, social and environmental wellbeing of the area or being desirable for the understanding and enjoyment of the area.
- 7.4.8. At the local level the proposed development is located wholly within the Tunstall Farmlands local character area (LCA) within the Swale Landscape Character and Biodiversity Appraisal (2011).
- 7.4.9. The description of the LCA states that around the historic villages of Bredgar and Tunstall orchards still exist, but elsewhere fields have been opened up to make way for large-scale agricultural intensification. This has led to the creation of a diverse rural landscape, which includes small patchworks of enclosed orchards and open large-scale fields where hedgerows have been lost.
- 7.4.10. Many mature hedgerows are still maintained in good order with some fragmentation and loss along lanes. Orchards tend to be mature or remnant with some grazed by sheep. In places fruit trees have been removed entirely and mature shelterbelts surround empty fields.
- 7.4.11. The application is accompanied a Landscape Visual Assessment (LVA) which assesses landscape visual impacts and has been reviewed by an independent Landscape Consultant on behalf of the Council. The LVA report contains an appendix (1) setting out the methodology and the criteria for the assessment. A number of viewpoints have also been assessed to represent typical views from publicly accessible locations. This includes additional viewpoints as agreed by the National Landscape Unit, the PRow Officer and the Council's Independent Consultant.

- 7.4.12. To establish the impact of the proposal, assessments have been undertaken to ascertain the landscape value, visual effects, landscape effects and with regard to cumulative landscape effects.
- 7.4.13. Landscape Baseline
- 7.4.14. The site falls within open farmland north of the M2, outside the Kent Downs National Landscape. The site itself is not subject to any landscape designations (national or local). The Kent Downs National Landscape lies to the south of the M2, and the Rodmersham, Milstead and Highsted dry valleys Area of High Landscape Value – Kent level, lies to the east. The landscape of the site is in a good condition and although it is undesignated it has some scenic value and forms part of the wider setting of the Kent Downs National Landscape area.
- 7.4.15. Landscape sensitivity to the proposed development combines judgments on the site's susceptibility to the proposed development and landscape value attached to the site. Susceptibility defines the ability of the site to accommodate the proposed development without undue consequences for the baseline conditions.
- 7.4.16. A range of factors that influence susceptibility have been assessed to conclude the overall susceptibility of the landscape on the application site to the proposed development is 'medium'.
- 7.4.17. Combined 'medium susceptibility' with 'medium value' results in a 'medium sensitivity' as most of the landscape characteristics are of a 'medium resilience' to the proposed development.
- 7.4.18. The LVA assessment of sensitivity of the surrounding area is as follow:
- Tunstall Farmlands LCA: Medium to high (from medium to high value and medium susceptibility – the increase in value applies to those parts of the LCA lying within the National Landscape);
 - The National Landscape setting: Medium (from medium value and susceptibility); and
 - The National Landscape: Medium to high (from high value and medium susceptibility).
- 7.4.19. The baseline of the site has been considered by the Council's Landscape Consultant who considers that given that as sensitivity is influenced by the presence of the National Landscape, which must be regarded as high value, then its combination with medium susceptibility would indicate high sensitivity overall. Using this as a benchmark suggests that the surrounding Tunstall Farmlands could be of medium to high sensitivity where they form part of its setting, falling to medium sensitivity where they do not.
- 7.4.20. As the application site forms part of the setting the sensitivity of the site should probably be considered to range between medium to medium/high, rather than just medium as concluded by the LVA, particularly given the degree of public access, its inter-visibility with the National Landscape and by the predominance of arable land, which maintains openness and is highly susceptible to the type of development proposed. However, it is also noted that the sensitivity is influenced by the presence of the M2 motorway and the power lines, which also must be taken into account.

7.4.21. Visual Baseline

7.4.22. Visual receptors include the public or community at large, including residents, visitors and travellers through the landscape. The LVA identifies the following three categories of visual receptors (with their assumed sensitivity): users of PRowS (high), residents (high) and road users (medium). The Council's Landscape Consultant considers these levels of sensitivity to be reasonable.

7.4.23. Representative viewpoints from the PRowS network within the site and the wider study area of the LVA form the basis of the assessment of the potential effects of the proposed development on views and visual amenity. These include additional viewpoints as requested by National Landscape Unit.

7.4.24. Potential Landscape Effect and Impact on Character - Construction

7.4.25. The LVA considers effects at Year 1 (completion of construction, but before mitigation has begun to take effect) and Year 15 (allowing for landscaping to become established), which is consistent with best practice.

7.4.26. As a result of the nature of the proposal, the construction period is short (approx. 5 months). Construction activities will affect both the site's physical characteristics such as the land use and landscape character and the perceptual characteristics of the local area such as tranquillity.

7.4.27. In terms of the impact on landscape character, the construction process would introduce temporary and intermittent construction activity, movement of personnel and machinery onto the site. Overall, the LVA describes the magnitude of change as medium as construction activities will be perceptible predominantly within 500m from the site. The duration of the effect will be brief and reversible. Overall medium sensitivity combined with medium magnitude of change result in moderate adverse landscape effect.

7.4.28. Potential Landscape Effect and Impact on Character - Operation

7.4.29. The effect and residual effect on the landscape character of the site and the abovementioned Kent Downs National Landscape and the Tunstall LCA, is set out in the LVA.

7.4.30. The Site

7.4.31. The site is currently in arable use. The proposed development will change the land use and introduce solar panels and new buildings/structure on the site. Whilst arable land use will cease on-site, the land underneath solar panels can be used potentially for some agricultural and/or biodiversity enhancements resulting in partial alteration to the key characteristic of the site.

7.4.32. The LVA concludes that the likely effects during operation in year 1 will result moderate adverse overall effects. The review by the Council's Landscape Consultant considers this to be an understatement of the effect as the character of the site would experience a fundamental change – from a parcel of farmland to a commercial solar farm, including loss of its characteristic arable use and openness. This suggests that

the magnitude of change at a site level should probably be high (albeit substantially reversible). As a result, the year 1 effects on the site could be substantial, and the effect on AONB setting could be elevated to at least moderate.

- 7.4.33. At year 15, the addition of biodiversity enhancements on site and the proposed mitigation planting reaching maturity would potentially reduce the magnitude of effects from medium to low as the proposed development will be better integrated into the existing landscape. A combined low magnitude and medium sensitivity would then result in a slight adverse level of effect.
- 7.4.34. This is again questioned by the Council's Landscape Consultant who acknowledges that whilst the proposed landscaping would essentially reduce the visual influence of the development over time, as well as introducing potentially beneficial features such as hedgerows, it would not reduce the physical impact of the change in use.
- 7.4.35. In terms of landscape features the magnitude of change at year 1 and 15 will be negligible, and this combined with medium sensitivity, will result in slight adverse effects as the structural landscape on the site will be enhanced.
- 7.4.36. In term of lighting, there is no requirement to light the development overnight for security as all security cameras will be fitted with sensor-activated infra-red lighting. The lighting is only required for occasions where there may be a requirement for maintenance. Therefore, the magnitude of impacts will be negligible, and this combined with medium sensitivity will result in an imperceptible effect at year 1 and 15 of operation.
- 7.4.37. Tunstall Farmlands LCA
- 7.4.38. The LVA indicates high sensitivity for Tunstall Farmlands LCA. The LVA notes that a typical large-scale agricultural landscape is a feature of this LCA, with locally deteriorated tranquillity by pylons and power lines and the M2. The visibility across the LCA has been assessed as moderate. The Tunstall Farmlands LCA contains more varied landscape elements of higher sensitivity than the site itself.
- 7.4.39. The overall potential effects on the landscape character of the LCA is concluded as being moderate adverse at year 1 of operation due to the value being medium and high, medium susceptibility to proposed change and medium to high sensitivity combined with low magnitude of change.
- 7.4.40. The overall potential effects on the landscape character of the LCA is concluded as being slight adverse at year 15 of operation due to the value being medium and high, medium susceptibility to proposed change and medium to high sensitivity combined with low to negligible magnitude of change.
- 7.4.41. Kent Downs National Landscape
- 7.4.42. The Levelling-Up and Regeneration Act 2023, which came into force on 26 December 2023 amends the Countryside and Rights of Way Act, which is the primary legislation relating to National Landscapes. It places a duty on the Local Planning Authority (as a relevant authority) to ensure that their actions and decisions seek to conserve and enhance National Landscapes.

- 7.4.43. The key attributes of the setting were derived from the Kent Downs AONB Management Plan 2021 and Kent Downs Area of Outstanding Natural Beauty Setting Position Statement.
- 7.4.44. The proposed development is located outside of the National Landscape area. As such there would be no direct/physical impact on the designated area; the effects would be indirect, restricted to how the National Landscape is perceived from/in relation to its setting.
- 7.4.45. The LVA (without the additional viewpoints) concludes the overall potential effects on the landscape character of the National Landscape as being slight to moderate adverse at year 1 of operation and as slight to moderate adverse at year 15 of operation.
- 7.4.46. However, in views across the site from the north and from the PRoWs within it, there is the potential for the solar arrays to obstruct/intrude into views towards the (more elevated) landscape of the National Landscape, where gaps in tree cover (notably along the M2) permit.
- 7.4.47. In northward views from the National Landscape, the site contributes to a degree of perceived continuity between the designated area and its farmland setting beyond the motorway (both areas fall within the Tunstall Farmlands). The development therefore has the potential to interrupt this continuity.
- 7.4.48. In conclusion it is considered that the moderate adverse effects on the Kent Downs National Landscape designation may be understated.
- 7.4.49. Assessment from additional viewpoints were undertaken at the request of the National Landscape Unit. It is again considered that the impact may be underestimated and that more screening would be required along the southern boundary on land within the applicant's control.
- 7.4.50. Landscaping is proposed to the southern boundary which will also infill gaps to the existing vegetation on land within the applicant's control. Additional planting is also proposed in the form of mature or fast-growing planting to help reduce the effect of glint on motorway users, which in turn will assist in screening the solar farm from the National Landscape. The proposed landscaping is to be secured by condition.
- 7.4.51. Whilst the concern with regard to the screening along the southern boundary is acknowledged, this also needs to be considered against the presence of the M2 motorway and that the effect of the solar farm is reversible due to the temporary nature of the proposal.
- 7.4.52. The Council recognises it would not be practical, or reasonable, to completely screen every part of the proposed solar farm and therefore a degree of adverse harm will remain. However, it is considered the proposed planting to be sufficient to reduce the impact on the setting of the National Landscape to an acceptable level.
- 7.4.53. Subject to conditions relating to the landscape proposals and a requirement for the infrastructure on site to be of a colour sensitive to the location adjacent to the National Landscape, utilising the 'Guidance on the Selection and Use of Colour in the Kent

Downs', it is considered the landscape effects can be suitably mitigated, and that the proposal conserves the setting of the Kent Downs National Landscape on the whole. Where it doesn't, this primarily relates to some points of intervisibility from the National Landscape and by the inclusion of additional landscaping having an effect on the open character and the perception of continuity with the Tunstall Farmlands LCA as stated above.

7.4.54. Visual Effects

7.4.55. The visual effects of the proposal during the operational period have also been assessed.

Dwellings:

7.4.56. The effects on residential properties within 500m of the site may be summarized as follows:

- Potentially substantial effects at Y1, becoming moderate by Y15, are predicted for properties at Oad Street, Sutton Baron House and Vigo Lane/Wrens Farm; and
- No effects are predicted for properties at Hengist Field and Woodgate Farm/Bowl Reed.

7.4.57. Of residential properties within 500-1000m of the site, only those at Vigo Farm/Stiff Street/Stiff Street Farm/Manns Place/Chantry Farm are predicted to experience material (slight) effects.

Recreational Receptors:

7.4.58. The effects on each PRoW have also been assessed. The views of recreational receptors are generally of high sensitivity. In summary the significance of the effect following mitigation planting was considered to be:

- Moderate Adverse along routes: ZR128, ZR141, ZR169 and ZR148
- Substantial Adverse along routes: ZR137, ZR138 and ZR134

7.4.59. With mitigation in place, the impact on receptors using the PRoW network would be reduced. However, there are still areas where the effect on the receptor remains adverse and therefore significant and where openness contributes to the amenity of these PRoWs, this screening would remain harmful, effectively becoming permanent where hedgerows may be retained following decommissioning. The Decommissioning Plan will address this and should it be deemed necessary by relevant consultees to remove or reduce the height/thin certain hedgerows to allow for reversion back to the visual character of the area, this can be carried out.

Transport Receptors:

7.4.60. Views from the roads are restricted due to the presence of hedgerows along the road corridors. The proposed development will be most visible from Vigo Lane and Wrens Road. Although the proposed landscape buffer planting will screen the views of solar panels, the magnitude of visual impacts will be medium. However, the overall visual impacts will be slight adverse as the change will affect a small number of visual receptors of low sensitivity.

7.4.61. Mitigation

- 7.4.62. Mitigation measures are required to address any adverse effects of the proposed development. Mitigation is provided through screening to be provided predominantly by landscaping proposals and a Landscape Strategy has been provided.
- 7.4.63. Following concerns raised by the National Landscape Unit regarding the reliance on the existing highway verge vegetation along the M2 for screening views of the development, the Landscape Strategy has been revised during the course of the application. The Landscape Strategy was revised to include hedgerow planting to supplement the proposed tree planting along the southern site boundary to create a more intact additional screen.
- 7.4.64. The Landscape Strategy also provides for the majority of existing hedgerows and vegetation to be retained, with hedgerows gapped up and managed to grow to approximately 3m high to increase their screening function. Landscape buffer planting is proposed along the eastern, western and northern site boundaries, and along Wrens Road, Vigo Lane and a tall hedgerow along the PRoW that run through the site. A condition would be included with any forthcoming planning permission to secure the implementation of a Landscape Scheme.
- 7.4.65. The LVA also suggests that some elements of the proposed infrastructure including inverters can be painted in colours (e.g., dark green) which will help to integrate them into the surrounding landscape. As stated above a colour sensitive to the National Landscape will be sought through a conditioned.
- 7.4.66. It needs to be the size proposed in order to deliver its substantial energy benefits. It is acknowledged by the applicant and the Council that there will be some landscape harm – but this does not mean that the scheme should automatically be refused. The landscape harm needs to be weighed against the benefits of the scheme. This is set out in the relevant section below.
- 7.4.67. Summary of Landscape Impact
- 7.4.68. There would be an inevitable adverse change in the existing land cover of the site. Aside from the presence the overhead lines and pylons the proposal would reduce the existing sense of openness and cause some landscape harm – although this would be reversed on decommissioning. The PRoWs would be retained although some change would be brought about through the proposed planting in which some cases would alter the experience of the user by the removal of the open character that is currently experienced.
- 7.4.69. Overall, there would be a beneficial effect on landscape elements within the site, and the effect on openness would be reversed after 40 years.
- 7.4.70. The site itself is not a valued landscape in NPPF terms and that it is not designated for its landscape beauty. The Kent Downs National Landscape itself (beyond the site) would be unchanged with the proposed solar farm in place. However, there would be some adverse impact to the setting of the National Landscape which is likely to remain or at best drop to a moderate adverse effect despite the proposed mitigation.
- 7.4.71. That being said, presence of the M2 motorway, the existing power lines and pylons as detracting factors need to be taken into account along with the fact that the

proposal is temporary, albeit for 40 years, and the site would be restored (with the exception of the DNO substation) in accordance with a decommissioning plan which is to be conditioned.

7.5. Public Rights of Way

- 7.5.1. The site is crossed by a number of PRowS. Footpath ZR137 is aligned north east - south west and is located along the site access; Footpath ZR138 is aligned north-south between Oad Street and the southern site boundary and forms the boundary of two fields. It then connects with Vigo Lane to the east, running along the southern site boundary. Footpath ZR169 also forms the boundary between two fields and provides a connection between Wrens Road, and Primrose Lane to the east of the site.
- 7.5.2. There is also a bridleway, ZR134, which is aligned north-south through the site between Sutton Baron Road and the southern site boundary. It forms the boundary between two fields. It then connects to Wrens Road to the east along the southern site boundary.
- 7.5.3. It is proposed to retain all footpaths and bridleways that cross the site allowing continued access throughout the operation of the solar farm.
- 7.5.4. It is also proposed to manage the construction to minimise impacts on footpaths to allow continued public access.
- 7.5.5. The KCC Public Rights of Way has reviewed the application. Following initial concerns raised, the applicant prepared a response to the points with a plan showing the Proposed Construction Phase Site Access Arrangements Strategy.
- 7.5.6. One of the main concerns was around the use of the site access which crosses footpath ZR137 during the construction period. Clear signage is proposed for users of PRow routes affected and clear signage for construction traffic, along with a banksman which would be conditioned.
- 7.5.7. Another concern raised relates to the location of the construction compound adjacent to the footpath and the impact on users of the PRow in terms of the experience. It has been highlighted in the applicant's responses that the impact is temporary as it is only required for the construction period and that the compound requires a location near to the site access to deposit materials.
- 7.5.8. Concern has also been expressed with regard to the location of the substation by footpath ZR138, the CCTV and the lighting columns. The CCTV is required for security purposes and to provide adequate coverage of the site. It is not to be directed over PRowS. During operation of the solar farm, lighting is only proposed to be used if necessary during maintenance. A condition is proposed to control this.
- 7.5.9. The location of the substation has been given significant consideration. It was felt that in the proposed location it would be screened from the PRow by fencing and hedgerow planting. Fast-growing planting or temporary measures are proposed for the initial years of operation. Again, this would form part of a suite of conditions.

- 7.5.10. In relation to any adverse impact from noise, a noise assessment has been submitted as part of the application and the proposal has been reviewed by the Environmental Protection Officer who has raised no objection to the proposal in this regard.
- 7.5.11. Questions over the width of PRowWs have been raised. The PRowW has requested the PRowW routes to be a 10m corridor with 2m either side of a PRowW route or at least a minimum of 7m.
- 7.5.12. The applicant has confirmed that the PRowW routes meet, and in some cases exceed the minimum width requirement that the current landowners/tenants should avoid cultivating to keep the PRowW accessible. The increased width of the PRowW network would be improved along parts of ZR138 and ZR134 through the establishment of hedgerows to a width of 7m (12m wide with hedgerows either side managed to be 2.5m wide), which has been considered in response to such comments wanting to see a wider network.
- 7.5.13. The applicant has advised they are not in a position to offer wider networks than is proposed, as the expansion of PRowWs further would consume land for that is proposed to be occupied by solar panels and the further reduction would reduce the output of the solar farm.
- 7.5.14. It is considered that as the proposal provides a compromise and meets the minimum width suggested, it is acceptable.
- 7.5.15. The PRowW Officer considers that the additional planting and/or mesh fencing proposed to provide screening along the M2 motorway (set out below in the Glint section) gives weight to the request for wider PRowW routes stating that the user experience will be one of being channelled between the motorway fencing and solar panels resulting in a loss of amenity.
- 7.5.16. This point is taken onboard, in the consideration of this application (Landscape and Visual Impact section) and it is agreed that there will be a degree of loss of amenity for the users of this route. The effect on the PRowW network will be considered in the balance against the benefits of the proposal.
- 7.5.17. Having reviewed the current proposals in relation to PRowWs, the KCC PRowW Officer responses, it is considered that whilst there is degree of negative impact on the PRowW in terms of the experience of the user, such as the loss of feeling of openness and channelling to part of the PRowW network along the M2 motorway, the proposal is temporary, albeit for 40 years, and offers significant benefits which are considered in the planning balance as set out below.
- 7.5.18. It should be noted a request was made for a financial contribution as it was viewed that the proposal provides an opportunity to improve the PRowW network and develop new links and to provide safe alternatives to existing on-road routes. It is stated within the request that the public benefits would help compensate for any disruption caused by the construction and the negative effects on the PRowW network.
- 7.5.19. The applicant has not agreed to the contribution for improvement to the surrounding network of PRowWs as they are not directly affected by the proposal and a PRowW

Management Plan will form part of the Landscape Environmental Management Plan (LEMP).

7.5.20. As with any planning application, the request for financial contributions needs to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (which were amended in 2014). These stipulate that an obligation can only be a reason for granting planning permission if it is:

- Necessary
- Related to the development
- Reasonably related in scale and kind

7.5.21. No figure has been provided with the request for contribution and as such it cannot be assessed as to whether it is reasonably related in scale. The reason behind the request for a contribution is given as the project providing an opportunity to improve the PRoW network and develop new links for connectivity across the network and that provide alternatives to existing on-road routes.

7.5.22. However, in consideration of all the tests, given the nature of the proposal, the development itself will not give rise to an increase in users and as stated above a PRoW Management Plan will form part of the LEMP which will address those PRoWs route directly affected. It is therefore agreed that the request for improvement of the surrounding network is not related to the development and is also not necessary to make in acceptable in planning terms.

7.6. Transport and Highways

7.6.1. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”

7.6.2. The NPPF also states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

7.6.3. Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.

7.6.4. The application is supported by a Transport Statement which has been reviewed by KCC Highways and National Highways. Further details were requested by KCC Highways, particularly regarding management and timing of deliveries and the passing points available within the internal access road.

7.6.5. KCC Highways noted that the anticipated 76 (two way) vehicle trips to be made daily during the construction phase (5 months) for on-site staff and HGV movements and that the day-to-day traffic movements associated with the solar farm once construction is complete is likely to be infrequent trips for servicing.

- 7.6.6. KCC Highways is satisfied that the construction access is sufficient to accommodate an articulated vehicle to turn into and out of the site and now, following the submission of the requested further information, they are able to confirm that the service road leading to the proposed solar farm shows widening to allow HGV's to pass mitigating the need for stationary traffic on Oad Street should a vehicle be exiting the site at the same time as one arriving.
- 7.6.7. As noted by the vehicle trips, the main impact is during construction. The applicant has provided some details regarding the management of deliveries to ensure that these movements do not conflict with the network peak hours, however, further details regarding how this will be managed will need to be submitted in a Construction Management Plan. Oad Street is narrow in nature with little passing places, it may not be wide enough for HGVs to pass in opposing directions. Timing of deliveries and a strategy to manage this will need to be considered.
- 7.6.8. National Highways initially issued a holding objection expressing concern with regard to the collision analysis not covering the junction of Oad Street with the A249 and in relation to Glint and Glare (covered in the Glint section).
- 7.6.9. The Applicant submitted a Technical Note to address the comments raised by National Highways. In relation to collision analysis, the Technical Note provides data covering the period time as requested by National Highways. The improvements around the M2 junction 5 includes the improvement of the junction of Oad Street with the A249 by way of a roundabout arrangement which is considered to improve safety.
- 7.6.10. KCC Highways are of the view that providing a construction phase strategy is in place to manage deliveries, the development will not generate a severe impact on the highway network. Consideration will need to be had regarding routing to the development to ensure this is carried out via A249. A condition is recommended to secure a Construction Transport Management Plan to incorporate these details.
- 7.6.11. National Highways are also satisfied sufficient information has been provided to address the concern with regard to collision analysis.
- 7.6.12. Subject to the recommended conditions, the proposal would not result in a harmful impact on highway safety, nor would the residual cumulative impacts on the local road network would be severe. The proposal is considered acceptable in terms of the impact on the local highway and in accordance with Policy DM6 of the Local Plan and the NPPF.
- 7.6.13. The impact of glint on users of the strategic network is considered in the Glint section below.

7.7. Glint

- 7.7.1. A separate document has been submitted to show the potential effects from glint. Glint, glare and dazzle are often used interchangeably but are defined in the submitted report is as follows:

- Glint – Also known as a specular reflection is produced as a direct reflection of the sun on the surface of the solar panel. It occurs with the reflection of light from smooth surfaces such as glass, steel, and calm water.
- Glare – A scattered reflection of light. Glare is significantly less intense than glint and is produced from rougher surfaces such as concrete, tarmac, and vegetation.
- Dazzle - An effect caused by intense glint and glare, which can cause distraction, and if strong enough reduce the ability of the receptor (pilot or otherwise) to distinguish details and objects.

7.7.2. The submitted report focusses on assessing glint due to the intensity being much higher than glare.

7.7.3. The Glint Assessment primarily assessed the potential effects on roads, dwellings, national trails and PRowWs but also included a high-level assessment of the effect on aviation and the cumulative effect.

Roads

7.7.4. The site is situated immediately to the north of the M2. A large proportion of the site is screened by existing foliage located on the verge of the motorway. However, the existing screening does have some gaps where there is some visibility to areas where panels would be located.

7.7.5. The applicant's analysis indicated a driver may witness yellow glint (yellow glint is medium intensity glint that has some potential to cause a temporary after image) which could cause a brief disruption to their view of the road.

7.7.6. Mitigation is proposed in the form of planting to be provided within the application site ownership boundary, adjacent to the highway verge to infill these gaps.

7.7.7. Following their review of the initial document, National Highways raised concerns regarding the impact from glint on users of the M2 motorway and sought to obtain the advice from a Specialist. Following a review of the application from their Specialist, National Highways requested further information in the form of more evidence to support the findings set out in the submitted Glint Assessment, to clarify inconsistencies of the route receptors on the software used and to provide clarification regarding the temporary screening.

7.7.8. In light of the concerns raised and following meetings between National Highways, the applicant team and the Case Officer, further information was submitted in the form of a Technical Note which set out details of the proposed screening, the result of the methodology check used for analysis and potential impact prior to mitigation.

7.7.9. Additional temporary measures are suggested to further mitigate concerns until the planting has sufficiently matured. The temporary measures proposed are the installation of a mesh fence to obscure and break up any potential glint from the panels with areas of fast-growing or mature planting. The dimensions of the screening are set out in the Technical Note and have been derived using a methodology set out in the Technical Note. It is recommended that a mix of fenced screening and fast-growing planting be used.

- 7.7.10. An assessment of the impact of glint was re-run using a different methodology as requested by National Highways. The Technical Note sets out the results of this. It also explains the difference between the two models used and the issues of the modelling requested to be used by National Highways. For example, that the model assumes a driver having a 360-degree field of vision, that there is no vegetation in place at all, thus providing absolutely no screening and that the sun is always shining.
- 7.7.11. Following on from the modelling, the potential impacts of the proposal prior to mitigation is also set out in the Technical Note. Again, it should also be noted that the results are based not only on there being no mitigation planting, but also the absence of any existing planting.
- 7.7.12. National Highways, along with their Specialist, have reviewed the Technical Note and are satisfied with the modelling results and impact set out and that the proposed mitigation in relation to glint is appropriate.
- 7.7.13. National Highways have removed their objection to the proposal subject to the imposition of a condition to ensure the implementation of the glint mitigation, for a Construction Environment Management Plan to be secured and for a Decommissioning Traffic Management Plan to be secured.

Residential

- 7.7.14. The assessment takes the worst-case scenario in terms of the potential for an effect on residential properties as it doesn't take account of existing screening features such as trees, hedgerows, buildings, intervening topography, and other obstacles which will reduce the dates, times, and durations of when glint is predicted to occur.
- 7.7.15. Nine properties have the potential to be impacted by glint. The glint that would potentially be experienced at five of these properties is low intensity (green) glint which doesn't have the potential to form an after image. The remaining four properties have the potential to experience some green glint and some medium intensity (yellow) glint, which can form a temporary after image.
- 7.7.16. Given that the potential for glint is likely to already be reduced by existing screening features on the ground and that mitigation is proposed in the form of further landscape screening which is to be secured by condition as part of an overall Landscape Scheme, it is considered there would be no adverse impact on the residents of the surrounding properties from glint.

National Trails and PRowS

- 7.7.17. The nearest National Trail to the site is the North Downs Way which lies approx. 6km from the site at its nearest point. At this distance, glint from the application site will not have an impact.
- 7.7.18. There are a number of PRowS within and in close proximity to the application site. These include footpaths and bridleways that cross the site and as well as some running adjacent to the site boundary.
- 7.7.19. The perimeter planting proposed around the arrays will provide effective screening for almost all of these PRowS and prevent direct visibility to glint producing solar panels. If effects of glint are visible, the effect will be similar to walking besides a

body of water with the sun glistening on it. In addition, the proposed solar panels have no moving parts that would potentially startle horses.

- 7.7.20. Glint is not expected to have a material impact on horse riders or other users of the PROWs who travel along these routes.

Aviation

- 7.7.21. The closest aerodrome to the site is Frinsted which is 5.34km south of the site. The other aerodromes identified within 15km of the site were Barhams Mill Farm Airstrip which is approx. 14.5km southwards; Farthing Corner and Rochester Airport which are 5.72km and 12.38km northwest respectively. No air traffic control towers are present for any of the aerodromes.

- 7.7.22. Glint effects were modelled for critical flight times (2-mile final approach paths) at each runway of the aerodromes. Of the flight paths analysed, none of the aerodromes were predicted to receive glint. Glint is therefore not expected to have a material impact on light aircraft at this airfield.

Cumulative Effects

- 7.7.23. There are several other sources of reflection in the vicinity of the proposed site so there is a potential for cumulative glint effects to be received by receptors surrounding the site. This proposed solar development was modelled and analysed in conjunction with the proposed fixed panels at Bobbing Solar Farm, Orchard Farm, and Iwade Solar Farm. There were no cumulative effects for any of the following receptors: local properties, national trails of PROW, railways, roads or aerial receptors.

Summary

- 7.7.24. Given the mitigation proposal, the development of the solar farm would not result in harm as a result of glint. Subject to conditions securing the mitigation measures, the proposal is considered to be in accordance with Policies ST1, CP4, DM6, DM14 and DM24 of the Local Plan and the NPPF.

7.8. Ecology

- 7.8.1. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by Policies CP7 and DM28 of the Local Plan.

- 7.8.2. Under the Natural Environment and Rural Communities Act (2006), the authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of conserving biodiversity. Furthermore, the NPPF states that 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible'. The National Planning Policy Framework states that '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.'

- 7.8.3. National planning policy aims to conserve and enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments. Under the Natural Environment and Rural Communities Act (2006), "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity".
- 7.8.4. In terms of the Local Plan Policy, DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 7.8.5. The application is supported by a Preliminary Ecological Appraisal Report, Biodiversity Offsetting Assessment, Breeding Bird Survey and a Wintering Bird Survey has been submitted.
- 7.8.6. Without mitigation, the proposed development has the potential to impact ecology. The initial consultation response from KCC Ecology, requested further information be submitted in relation to mitigation strategies, additional survey work and the BNG Defra Metric. Following receipt of further information, KCC Ecology are satisfied that sufficient information has been submitted to adequately assess the impact on ecology.
- 7.8.7. Farmland Birds
- 7.8.8. The result of the Breeding Bird Survey indicates a total of 33 species were recorded within the site which included species of Principal Importance, and Red and Amber List species.
- 7.8.9. Skylark:
- 7.8.10. The proposals will result in coverage of most of the site with the solar array, with the exception of limited areas of species-rich grassland, hedgerow and woodland/tree planting at the boundaries. Relative to the existing open arable fields, grassland areas will be enclosed by the solar array and hedgerows/trees and are therefore unlikely to provide suitable nesting habitat for skylark, resulting in a net loss of territories. This species has been shown to feed and sing within solar arrays, but evidence of breeding has only been recorded on one occasion within field margin habitat.
- 7.8.11. Whilst there will be a net loss, it is acknowledged that the number of territories is relatively low, and that the proposed habitat creation has potential to increase the food resources for a range of breeding and wintering birds including skylark and linnet. Suggestions that the increased food supply will increase the number of skylark territories that adjacent fields can support requires further investigation, as does the possibility that skylark currently nesting within the site will adapt to nest within / adjacent to the solar array. The applicant has responded positively to a request to undertake long term monitoring to gain further evidence on this aspect. This will be secured by condition.
- 7.8.12. On this basis, KCC Ecology advise that, as compensation for the loss of habitat for breeding birds, a long-term breeding bird monitoring programme is implemented as part of a Landscape and Ecological Management Plan (LEMP). This will include periodic submission of monitoring reports to the local planning authority under a separate condition. As with the original surveys, fields adjacent to the development site will be included within monitoring surveys where access is available.

7.8.13. Linnet and Yellowhammer:

7.8.14. Mitigation is to be provided to ensure continued provision of arable seed resources within the site. For example, the provision of 20m strips of arable weed / crop planting within boundary areas. Proposals for the location, size and management of these areas should be included within the LEMP which should be secured by condition. Suitable nesting habitat for these species has already been proposed within the field margins.

7.8.15. Schedule 1 species:

7.8.16. A pair of peregrine falcons and Fieldfare were observed and recorded. It is therefore advised that a Biodiversity Method Statement (to inform the CEMP (Biodiversity)) be secured by condition and that it includes an updated site walkover during the breeding bird season and to outline mitigation measures should this species be recorded nesting within the site.

7.8.17. Wintering Birds

7.8.18. Surveys were undertaken which were designed to focus on identifying any qualifying species of the designated sites, and to identify whether the site qualified as functionally linked land (FLL) with regards wintering birds.

7.8.19. The report concludes that the application site is of at least Local value for wintering birds, predominantly by farmland passerine birds and gull species, and concludes “*no evidence of the regular presence, or presence of flocks of species associated with the coastal conservation sites was recorded, and hence no impacts to the coastal conservation sites will result from the development proposals*”.

7.8.20. KCC Ecology agree with this conclusion and no further information is required regarding wintering birds or functionally linked land.

7.8.21. Precautionary mitigation measures will need to be implemented and it is recommended that this be secured by the condition securing the submission of a Biodiversity Method Statement.

7.8.22. Badgers

7.8.23. Two active badger setts have been identified on the site and suitable mitigation has been outlined. Given that there is a possibility of works being required within the buffer zone and the potential need for temporary sett closure it is advised that a Badger Mitigation Strategy is submitted with details of how any need for sett closure, licensing and associated mitigation will be achieved. This information should be submitted for approval as part of the Biodiversity Method Statement condition.

7.8.24. Hazel Dormouse

7.8.25. Five sections of hedgerow totalling approx. 40m will be removed. The Dormouse Conservation Handbook details that a maximum of 100m of hedgerow can be removed using displacement/persuasion, and as such KCC Ecology agree that this work can potentially be completed under a non-licensed method statement, to be secured by condition.

- 7.8.26. It is agreed that precautionary mitigation measures will need to be implemented in relation to hazel dormouse and that this should be secured as part of the Biodiversity Method Statement condition.
- 7.8.27. Biodiversity Net Gain
- 7.8.28. Defra Metric calculations and a Biodiversity Offsetting Assessment has been provided.
- 7.8.29. The proposal is expected to result in a net habitat unit change of 236.60 habitat units, which represents a 190.54% net gain, and a net linear unit change of 50.53 hedgerow units, or 299.32% net gain.
- 7.8.30. The BNG assessment demonstrates the potential to achieve a significant positive outcome for habitats. It is expected that this habitat creation and enhancement will be achievable given the proposed use as a solar farm.
- 7.8.31. As part of the management review detailed within the LEMP, BNG monitoring should also be secured by condition, to monitor actual net gain resulting from the development.
- 7.8.32. Subject to the suggested conditions, the proposal is in accordance with Policies CP7 and DM28 of the Local Plan and the NPPF.

7.9. Heritage

- 7.9.1. Any planning application for development which will affect a listed building or its setting must be assessed in accordance with the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
- 7.9.2. A similar duty exists where the proposed development will be within a conservation area where section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.9.3. The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset and consider 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. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan at Policies CP8 and DM32.
- 7.9.4. There are no listed buildings within the application site, nor is the site within a conservation area. However, there are both listed buildings and conservation areas nearby as described above.
- 7.9.5. A detailed Archaeological and Heritage Statement has been provided in support of the application. The Heritage Statement concludes that in relation to the built

heritage, the potential adverse impacts are restricted to change within the setting of the Grade II listed Sutton Baron House and Sutton Baron Hall, located to the north of the site. This would be limited to changes to the wider setting of the asset as a result of changing the use of historically associated agricultural land. The assessment has, however, concluded that the potential adverse impact to this asset would equate to 'less than substantial harm' to its significance.

- 7.9.6. The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 7.9.7. The Council's Heritage Officer has reviewed the Archaeological and Heritage Statement and agrees with the conclusion.
- 7.9.8. The Grade II listed Sutton Baron House and Sutton Baron Hall are part of group of historically and functionally associated buildings. Sutton Baron House and Sutton Baron Hall are the principal buildings of the group.
- 7.9.9. The immediate setting of the House comprises its ancillary, associated buildings. This immediate setting contributes to the assets significance. The wider setting also makes some contribution to the significance of the assets, this is particularly associated with the land to the south of the asset which is historically owned and farmed by Sutton Baron.
- 7.9.10. The Heritage Officer raises no objection to the proposal subject to effective landscape mitigation which is to be secured by condition. Appropriate management of the landscape mitigation is also required and can be secured by condition.
- 7.9.11. On this basis and in consideration of the NPPF, harm to significance should be balanced with due regard to the public benefits of the proposals, the need for renewable energy sources and supply and the ability of the site to contribute towards this delivery.
- 7.9.12. The public benefits offered by the proposed scheme include the following:
 - Creating employment including construction jobs, as well as solar farm maintenance jobs.
 - Paragraph 85 of the NPPF advises that **significant weight** should be placed on the benefit a scheme offers in supporting economic growth and productivity.
 - Helping to fight against climate change by decreasing the proportion of grid energy that is produced from fossil fuels, potentially offsetting the average annual UK electricity consumption of approximately 11,550 houses per annum.
 - Paragraphs 157 and 163 of the NPPF advises the planning system should support renewable and low carbon energy and associated infrastructure. **Substantial weight** is attached.
 - Renewable energy using modern technology (which use less area to produce higher amounts of electricity).

- Paragraphs 157 and 163 of the NPPF advises the planning system should support renewable and low carbon energy and associated infrastructure. **Substantial weight** is attached.
 - Energy Security – Will contribute towards an independent, secure energy supply in the UK (which is particularly necessary in the current geopolitical climate).
 - Paragraphs 157 and 163 of the NPPF advises the planning system should support renewable and low carbon energy and associated infrastructure. **Substantial weight** is attached.
 - Diversification of Farm Business – The proposal would allow for effective utilisation of agricultural land and ensure the landowner has a secure supply of income to reinvest in their agricultural business.
 - Paragraph 89 of the NPPF supports sustainable growth and expansion of all types of business in rural areas as well as the development and diversification of agricultural and other land-based rural businesses. **Moderate weight is attached.**
 - The resting of agricultural land which will potentially improve soil health to the benefit of future cultivation activities.
 - Paragraph 180 of the NPPF recognises the benefits of best and most versatile land (BMV). The site does not comprise BMV. Leaving it fallow may improve the soil quality. **Limited weight is attached.**
 - Biodiversity Net Gain - Provision of biodiversity net gains within the site of 190.54% for habitats and 299.32% for hedgerow units.
 - Paragraphs 180 and 185 support the provision of net gains for biodiversity. Given the level of gain proposed, **significant weight** is attached.
 - Landscape Enhancements – The planting of new native hedgerows and trees, alongside gapping up existing hedgerows. These improvements will endure beyond the operational phase of the solar farm.
 - The proposed landscape improvements are primarily provided to mitigate the appearance of the solar farm. **Limited weight** is attached.
- 7.9.13. In considering the impact of this proposal upon designated heritage assets, officers have had regard to the Council's obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990 having placed great weight and importance on the fact that less than substantial harm would potentially be caused to the setting of Grade II listed to Sutton Baron House and Sutton Baron Hall. However, in this case the benefits are considerable and clearly outweigh the harm. Officers are of the view that the proposals comply with Local Plan Policies CP8 and DM32 and the provisions of the NPPF.

7.10. Archaeology

- 7.10.1. The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 7.10.2. Policy DM34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to

preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.

- 7.10.3. An Archaeological and Heritage Statement (AHS) has been submitted with the application which has been reviewed by KCC Archaeology who advises that the archaeological potential for remains of prehistoric and Roman date within the site is high and the geophysical survey suggests particular concentrations may be identified though individual features and interpretation remains tentative.
- 7.10.4. The AHS sets out the potential development impacts based on general assumptions on potential significance. KCC Archaeology have performed their own analysis of the development impacts and conclude that overall the ground disturbance from the development proposal is not substantial and can be readily adjusted to reduce impact where necessary.
- 7.10.5. KCC Archaeology are satisfied that the potential impacts of the scheme can be appropriately addressed through further assessment, evaluation and design that can be secured through a condition.
- 7.10.6. A condition for a staged programme of archaeological assessment, evaluation and mitigation is included is recommend for any forthcoming planning permission and with such a condition in place, the proposal is in accordance with Policy DM34 of the Local Plan and the NPPF.

7.11. Flood Risk, Drainage and Surface Water

- 7.11.1. The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in Policy DM21 of the Local Plan.
- 7.11.2. The site is located within Zone 2 Groundwater Source Protection Zone, therefore the Environment Agency (EA) has been consulted. The EA confirm that the development can be granted planning permission subject to conditions. The conditions required by the EA relate to infiltration and are included below.
- 7.11.3. KCC Flood and Water Management have reviewed the submitted Flood Risk Assessment and raise no objection. KCC state that they would expect the swales to be built to accommodate the worst-case scenario as presented within the Surface Water Storage Calculations (Appendix 2) which would result in 35m³ of storage provided for substation areas and 228 m³ for the access track. However, it is noted that this would be likely to change following infiltration testing and therefore a condition is suggested to confirm final arrangements.
- 7.11.4. KCC Flood and Water Management also request a condition to ensure ground investigations are carried out with soakage tests compliant with BRE 365, notably the requirement to fill the test pit three times and should be at the location/depth of proposed infiltration features. Detailed design required by condition should utilise a modified infiltrate rate and demonstrate appropriate half drain times.
- 7.11.5. It is also expected that the drainage system be modelled using FeH 2013 rainfall data in any appropriate modelling or simulation software. Where FeH data is not available,

26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (November 2019). This will also be captured by the conditions.

- 7.11.6. Subject to the recommended conditions being attached to any forthcoming planning permission, the proposal is considered acceptable and in accordance with Policy DM21 and the NPPF.

7.12. Contamination

- 7.12.1. The NPPF states that local planning authorities should ensure that the site is suitable for its new use taking account of various matters, including pollution arising from previous uses.
- 7.12.2. A Phase 1 Land Contamination Assessment has been submitted with the application which has been reviewed by the Environmental Protection (EP) Officer who states that the Assessment is satisfactory and concludes a low risk.
- 7.12.3. As a precautionary approach, the EP Officer recommends radon protection measures are provided which should form part of any structure. This is to be secured by condition. Any previously unidentified contamination found during construction can also be dealt with by condition.
- 7.12.4. Subject to the imposition of the suggested condition, the proposal is in accordance with the NPPF.

7.13. Air Quality

- 7.13.1. The importance of improving air quality in areas of the borough has become increasingly apparent over recent years. Legislation has been introduced at a European level and a national level in the past decade with the aim of protecting human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollution.
- 7.13.2. The NPPF and Policy DM6 of the Local Plan seek to ensure that the effects of air pollution and the potential sensitivity of the area to its effects are taken into account in planning decisions.
- 7.13.3. The application has been reviewed by the Council's Environmental Protection Officers in relation to any potential impact in relation to air quality. No objection is raised in this regard.
- 7.13.4. The proposal is considered to be in accordance with Policy DM6 of the Local Plan and the NPPF.

7.14. Living Conditions

- 7.14.1. The NPPF and Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.

- 7.14.2. The visual impact and the impact of glint has been considered above. Given the distance of residential properties from the compounds on the site where small structures/buildings would be located, it is considered there would be no harm to living conditions in terms of loss of light, outlook and overshadowing. This section therefore relates to the potential effect on living conditions from noise, dust and vibration.
- 7.14.3. The application is supported by a Noise Assessment. The Council's Environmental Protection Officer has reviewed the application in terms of lighting, dust and noise. Further information was requested with regard to the dust management proposals and reporting of complaints as well a request for a plan showing location of compound and equipment.
- 7.14.4. Following receipt of the requested plan and an explanation that a detailed Construction Environmental Management Plan (CEMP) to be secured by condition will cover dust management and the reporting of complaints and, the EP Officer raises no objection.
- 7.14.5. With the inclusion of the recommended conditions requiring the submission of a detailed CEMP covering dust management, construction hours and the reporting of complaints; and details of lighting, the proposal would not result in any adverse impact to nearby residents and the development is in accordance with Policy DM14 of the Local Plan and the NPPF.

7.15. Designing Out Crime

- 7.15.1. The proposed layout includes a gated access point and fencing along all boundaries at a height of 1.9m. Fencing will comprise wire deer control fencing with woodland fence posts. The fencing will include mammal gates to allow for movement of ecology through the site. CCTV and infrared illuminators will be fixed onto a galvanised steel pole at a total height of 3m at intervals to ensure effective coverage. All cameras would be inward facing towards the site and equipment to ensure the security of the site without intruding on any private views.
- 7.15.2. Other than the lighting towers within the substation tower, which would only be used occasionally if required during maintenance no other operational lighting is proposed. The use of lighting can be controlled by condition.
- 7.15.3. Subject to the imposition of such a condition, the proposal is in accordance with Policy DM14 of the Local Plan and the NPPF.

7.16. Decommissioning

- 7.16.1. The development would have a lifespan of 40 years. At the end of the useful life of the facility, it will be decommissioned, and all the associated equipment will be removed and recycled where possible. The land can then be quickly reverted to agricultural use.
- 7.16.2. A decommissioning plan will be required. An Outline Decommissioning Plan has been submitted with the application.

7.16.3. A detailed Decommissioning Plan will be secured by condition.

7.17. Planning Balance – Benefits and Harm

7.17.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

7.17.2. The installation of large-scale solar farms can have a negative impact on the rural environment. As described in the appraisal above, there are some conflicts with Local Plan policy in terms of the significant effects of the development on the Kent Downs National Landscape and the local landscape, the Tunstall Farmlands LCA.

7.17.3. However, the visual impact of a well-planned and well screened solar farm can be properly addressed within the landscape if planned sensitively. There are a number of material considerations in this case, several of which should be given significant weight, and which when considered cumulatively are likely to indicate that the benefits of the proposal significantly and demonstrably outweigh harm and that permission should be granted.

7.17.4. These benefits need to be weighed against the impacts.

7.17.5. Benefits

7.17.6. The applicant has advised that it is estimated that the proposed development would generate approximately 40MW of renewable energy, which could provide enough clean renewable energy to meet the equivalent needs of approximately 11,550 homes. It is also estimated that the proposed development would save approx. 8,152 tonnes of CO2 over its 40-year operational period. In accordance with paragraphs 157 and 163 of the NPPF, Local Plan policies and recent appeal decisions, **substantial weight** is attached.

7.17.7. Renewable energy using modern technology which use less area to produce higher amounts of electricity. In accordance with paragraphs 157 and 163 of the NPPF and Local Plan policies, **substantial weight** is attached.

7.17.8. Energy Security – Will contribute towards an independent, secure energy supply in the UK (which is particularly necessary in the current geopolitical climate). In accordance with paragraphs 157 and 163 of the NPPF and Local Plan policies, **substantial weight** is attached.

7.17.9. Biodiversity Net Gains within the site would be 190.54% for habitats and 299.32% for hedgerow unit., In accordance with the NPPF, Local Plan policies and recent appeal decisions, **significant weight** is attached.

7.17.10. The creation of employment including construction jobs as well as solar farm maintenance jobs. Paragraph 85 of the NPPF advises that **significant weight** should be placed on the benefit a scheme offers in supporting economic growth and productivity.

- 7.17.11. Diversification of Farm Business – The proposal would allow for more effective utilisation of agricultural land and ensure the landowner has a secure supply of income to reinvest in their agricultural business. In accordance with recent appeal decisions, **moderate weight** is attached.
- 7.17.12. The resting of agricultural land which will potentially improve soil health to the benefit of future cultivation activities. Paragraph 180 of the NPPF recognises the benefits of best and most versatile land (BMV). Leaving it fallow may improve the soil quality. **Limited weight** is attached.
- 7.17.13. Landscape Enhancements – The planting of new native hedgerows and trees, alongside gapping up existing hedgerows. These improvements will endure beyond the operational phase of the solar farm. The proposed landscape improvements are primarily to provide mitigation for the solar farm. **Limited weight** is attached.
- 7.17.14. Harm
- 7.17.15. In accordance with recent appeal decisions, the temporary loss of BMV from productive arable farming is of **limited weight**.
- 7.17.16. The adverse impact on landscape character and appearance, particularly in terms of the setting of the Kent Downs National Landscape is significant, perhaps substantial when viewed at certain places within the National Landscape itself. However, this would predominantly be limited as mitigation planting would reduce the impact over time to more acceptable levels, moderate at best as some adverse impacts may remain throughout the operational phase. Given the status of the designation **significant weight** is attached.
- 7.17.17. The visual impact on receptors of the PRoW network is reduced through signage and construction management during the construction phase which is also temporary for a period of approx. 5 months. The mitigation proposals reduce the effect on users of the PRoW during operation phase, but some adverse effects remain, such as loss of openness and therefore **moderate weight** is attached.
- 7.17.18. The moderate adverse impact on dwellings will also be addressed through landscape screening which forms part of the mitigation proposals, as such **limited weight** is attached.
- 7.17.19. The potential for glint upon the users of the M2 motorway is limited and further reduced by the mitigation proposed. **Limited weight** is attached.
- 7.17.20. The impact on protected species on site is addressed through mitigation proposals and therefore **limited weight** is attached.

7.18. Conclusion

- 7.18.1. In considering the application, account has been taken of the environmental information included with the application submission, the National Planning Policy Framework and the Development Plan, and all other material considerations including representations made including the views of statutory and non-statutory consultees and members of the public.

- 7.18.2. In addition to the benefits and harm set out above, the proposal would not result in harm to the local highway, even during the construction phase given the limited number of vehicular movements; it would result in less than substantial harm in terms of any potential impact on listed buildings but the benefits are considered to outweigh any harm as set out above; the proposal would not result in increased flooding.
- 7.18.3. Both national and development plan policy recognise that large scale solar farms may result in some landscape and visual impact harm. However, both adopt a positive approach indicating that development can be approved where the harm is outweighed by the benefits. This is a matter of planning judgement.
- 7.18.4. In my judgement the impacts of the proposed development can be made acceptable through a combination of topography, existing and proposed screening and landscape and ecological mitigation. The adverse effect on landscape character and visual impact would be limited and localised, even around the Kent Downs National Landscape.
- 7.18.5. In these circumstances the substantial weight attached to the provision of renewable energy on its own would be sufficient to outweigh the limited adverse impacts identified. The other benefits identified add to the balance of positive matters in this case.
- 7.18.6. As the existing and proposed planting matures, any adverse effects, would be progressively mitigated and once decommissioned the scheme would leave an enhanced landscape consistent with the objectives of development plan policy. In these circumstances, whilst there would be some localised harm to landscape character and some visual harm in conflict with some of the relevant development plan policies, the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme clearly and decisively outweigh the limited harm. As such the proposal would accord with Local Plan Policies ST1, DM14 and DM24.

CONDITIONS

Time Limit

1. The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

Drawings

2. The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Drawing Numbers

NT16093/001 Rev A – Site Location Plan
NT16093-003 Rev P01 – Proposed Site Plan

NT16093-502 Rev P01 – Location Plan
NT16093-701 Rev B – Proposed Site Access Arrangements
NT16093-LVA 116 Rev B – Landscape Strategy Plan
NT16093-001 Rev A – Screening Plan
NT16093-126 – Temporary Screening Extent
S3843-8312-0002 Rev R1.0 – Typical Fencing Detail
S3843-8312-0003 Rev R1.0 – Access Track Detail
S3843-8312-0004 Rev R1.0 – Cable Trench Detail
S3843-8312-0005 Rev R1.0 – Client Substation Elevations
S3843-8312-0006 Rev R3.0 – PV Panels and Elevations
S3843-8312-0007 Rev R2.0 – Storage Cabin Elevations
S3843-8312-0008 Rev R5.0 – CCTV Layout
S3843-8312-0011 Rev R4.0 – 132kV – Substation Layout

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

Temporary Permission

3. The planning permission hereby granted shall be for a temporary period only, to expire 40 years and 6 months after the first export date of the development except for the substation and its ancillary infrastructure, which will remain on the site in perpetuity. Written confirmation of the first export date shall be provided to the Local Planning Authority within 14 days after the event.

Reason: In the interests of the rural character and appearance of the area in accordance with the National Planning Policy Framework, to ensure that the 40-year period is complied with.

Decommissioning

4. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a Scheme for the Decommissioning of the solar farm (with the exception of the substation and its ancillary infrastructure which will be retained), and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to and approved in writing by the Local Planning Authority. The solar farm shall be dismantled and removed from the site and the land restored in accordance with the approved scheme and timescales. The scheme shall also include the management and timing of any works and a Traffic Management Plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.

Reason: In the interests of the rural character and appearance of the area and to ensure no adverse impact on the local or strategic road network in accordance with the National Planning Policy Framework.

Pre-commencement Conditions

Archaeology

5. A) No development shall take place until the applicant (or their agents or successors in title) have secured and have reported a programme of archaeological field

evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority.

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains 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.

C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

D) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

- a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
- b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
- c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: Required prior to commencement to ensure that features of archaeological interest are properly examined and recorded. The objectives and purposes of this condition are such that it is required to be complied with before commencement in accordance with the National Planning Policy Framework.

CTMP

6. No development shall take place (including any ground works, site or vegetation clearance) until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following:

- a) Routing of construction and delivery vehicles to / from site
- b) Parking and turning areas for construction and delivery vehicles and site personnel
- c) Timing of deliveries
- d) Provision of wheel washing facilities
- e) Temporary traffic management / signage
 - Provision of measures to prevent the discharge of surface water onto the highway.
 - Use of a bound surface for the first 5 metres of the access from the edge of the highway.
 - Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6metres above carriageway level within the splays, prior to the use of the site commencing.
- (f) Details of safety measures in respect of interaction with Public Rights of Way (PRoW).
- Signage
 - Details of the approach to repair or reinstatement of any PRoW should this be directly affected.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter for the duration of the construction phase.

Reason: Required prior to commencement of development to ensure no adverse impacts on the local and strategic highway network during construction in accordance with Policies DM6 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

Construction Management Plan (CMS)

7. No development shall take place (including any ground works, site or vegetation clearance) until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following:
- Construction hours
 - Reporting of complaints
 - Temporary lighting
 - Dust management

The document shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'.

The construction of the development shall thereafter be carried out in accordance with the approved CMS.

Reason: Required prior to commencement of development to ensure no adverse impacts on the residential amenity during construction in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

Biodiversity Method Statement

8. No development shall take place (including any ground works, site or vegetation clearance) until a Biodiversity Method Statement which details all precautionary mitigation methods to be implemented for the protection of protected and priority species, including, potential bat tree roosts, badger, hazel dormouse, reptiles, badger, breeding birds (including ground-nesting species) and wintering birds has been submitted to and approved in writing by the Local Planning Authority. The approved Biodiversity Method Statement will inform the Construction Environment Management (Biodiversity) Plan to be submitted under condition 9 and will be based on the information within the Preliminary Ecological Appraisal, Wardell-Armstrong, April 2023, Breeding and Wintering Bird Surveys, Wardell-Armstrong April/June

2023, and the Hedgerow Assessment for Dormouse, Wardell-Armstrong, May 2023. The Biodiversity Method Statement shall include the following:

- A schedule detailing seasonal timing for precautionary works and surveys.
- An update site walk-over within 3 months of commencement to: confirm that the condition/management of the onsite habitats is consistent with that recorded during the ecological assessment, such that the potential for protected species to occur has not changed.
- identify any additional badger setts. Should new setts be identified during the pre-works walk over and/or monitoring during the construction period, all required surveys and mitigation/licensing will be implemented prior to further works being undertaken in the vicinity of the sett/s.
- A Non-Licensed Method Statement for hazel dormouse, to include an update nut search survey during the period mid-August - December. If dormouse are confirmed prior to or during clearance, all mitigation and licensing will be approved by Natural England prior to the relevant works being undertaken.
- Protection measures to avoid lighting impacts and damage of the Root Protection Area of tree T1 with moderate suitability features for roosting bats.
- Preliminary assessment followed by close-inspection, presence/likely absence surveys and mitigation (as required) of any trees on the fence-line which require removal or pruning for access purposes. Where roosting bats are confirmed, all mitigation and licensing will be approved by Natural England prior to the relevant tree works being undertaken.
- Precautionary methods for reptiles during vegetation clearance.
- Precautionary methods to avoid capture of animals within open trenches and use of temporarily stored materials as refugia.
- Precautionary measures for badger and their setts.
- Procedure to be followed should a protected species be found within the construction area.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter for the duration of the construction phase.

Reason: Required prior to commencement of development to protect habitats and species identified in the ecological surveys from adverse impacts during construction in accordance with Policies CP7 and DM28 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

CEMP (Biodiversity)

9. No development shall take place (including any ground works, site or vegetation clearance) until a Construction Environment Management Plan for Biodiversity (CEMP (Biodiversity)) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - a) Purpose and objectives for the proposed works;
 - b) Reference to the Biodiversity Method Statement submitted and approved under condition 8;
 - c) The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
 - d) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
 - e) Sensitive lighting proposal with reference to the Bat conservation Trust's 'Guidance Note 8: Bats and Artificial Lighting 08/23';

- f) Extent and location of proposed works shown on appropriate scale maps and plans for all relevant species and habitats;
- g) Reference to any environmental permits required and any relevant mitigation measures;
- h) Reference to the arboricultural method statement to protect retained trees and hedgerows;
- i) Timetable for implementation, demonstrating that mitigation works are aligned with the proposed phasing of construction;
- j) Persons responsible for implementing the mitigation works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- k) Initial aftercare and reference to a long-term maintenance plan (where relevant);
- l) Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter for the duration of the construction phase.

Reason: Required prior to commencement of development to protect habitats and species identified in the ecological surveys from adverse impacts during construction in accordance with Policies CP7 and DM28 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

LEMP

10. No development shall take place (including any ground works, site or vegetation clearance) until a Landscape and Ecological Management (and Monitoring) Plan (LEMP) has been submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP will be based on the information submitted within the Biodiversity Offsetting Assessment, Wardell-Armstrong. The Plan will include the following:
 - Description and evaluation of features to be managed.
 - Constraints on site that might influence management.
 - Aims and objectives of management, in alignment with the Biodiversity Net Gain habitat and condition targets.
 - Details of additional biodiversity enhancements to be provided for priority and red/amber list bird species, bats, hazel dormouse, reptiles and invertebrates.
 - Measures to be implemented to ensure habitat connectivity for protected and priority species (such as badger gates).
 - Appropriate management prescriptions for achieving aims and objectives (including detailed grazing proposals where relevant).
 - Information regarding remedial measures.
 - Precautionary measures for protected species to be followed during operation (E.g. during replacement of damages panels or fencing).
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period, for the 40-year duration of the development).
 - Details of the body or organisation responsible for implementation of the plan.
 - Details of a long-term monitoring program for all habitats (in accordance with the BNG targets) and for breeding birds. The methodology for breeding bird surveys will align with that of the original surveys as documented within the Breeding Bird Survey, Wardell-Armstrong, April 2023 to enable meaningful comparison with the baseline. Locations will be detailed for fixed point photographs to evidence habitat creation/enhancement. A timetable for monitoring surveys will be included. Habitat/BNG and species monitoring including breeding bird surveys will be

undertaken in years 3, 5, 10 and 15. Copies of all monitoring reports, including details of any proposed remedial measures and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority.

- The LEMP will include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer, with details of the management body(ies) responsible for its delivery.

The LEMP shall thereafter be implemented in accordance with the approved details.

Reason: Required prior to commencement of development to safeguard biodiversity and prevent adverse impacts during and post construction in accordance with Policies DM24 and DM28 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

Glint and Glare - Temporary Screening

11. No development shall take place (including any ground works, site or vegetation clearance) until the temporary screening areas as per drawing reference NT16093-126 'Temporary Screening Extent' and supporting document '23_502210_FULL-Agent_Response_to_National_Highways-6187272' have been fully installed at the designated sections of the site boundary. The temporary screening shall comprise a mesh fence installed to a minimum height of 7.5m. Once the permanent vegetation screening adjacent to the fence reaches a height of 7.5 metres an assessment which determines whether the vegetation would prevent any glint and glare from the solar farm from affecting users of the M2 motorway should be submitted to and approved in writing by the Local Planning Authority and National Highways. If the results of the assessment find that the vegetation would prevent glint and glare onto the M2 motorway, then the temporary fencing should be removed. Alternatively, if the results find that there would be glint and glare, the assessment must include a timeframe for a further reassessment. The temporary fencing should remain in place until an assessment demonstrates that it is no longer required and then it should be removed.

Reason: Required prior to commencement of development to ensure adequate protection and mitigation for users of the strategic road network and satisfy the reasonable requirements of road safety in accordance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

Landscaping

12. No development shall take place (including any ground works, site or vegetation clearance) until a scheme for hard and soft landscaping of the site in accordance with drawing number NT16093-LVA 116 Rev B – Landscape Strategy Plan (incorporating existing flora and using native species) and including locations adjacent to the M2, A249 and PRoW network and a timetable for implementation has been submitted to and approved by the Local Planning Authority. Hard landscaping details shall include existing and proposed finished ground levels; vehicle and pedestrian access and circulation areas; means of enclosure and all paving and external hard surfacing. Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

The hard and soft landscaping of the site shall be implemented in accordance with the approved details and shall be maintained and managed for the lifetime of the development hereby permitted.

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.

Reason: To ensure the proposed landscaping and biodiversity enhancements on-site are secured in accordance with Policies DM14 and DM28 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

SUDs

13. No development shall take place (including any ground works, site or vegetation clearance) until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding in accordance with Policy DM21 of Bearing Fruits 2031: The Swale Borough Local Plan 2017. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Prior to First Export

Materials

14. Prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted.

Reason: To assimilate the apparatus into its surroundings, in the interests of amenity in accordance with Policies DM14 and DM24 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

Radon Protection Measures

15. Prior to the first export of or storage of energy from the site details of radon protection measures to be incorporated into the infrastructure on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details which shall be maintained for the duration of the development.

Reason: To ensure that the development does not present any adverse risk from radon in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

SUDs Verification Report

16. Prior to the first export of or storage of energy from the site a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Policy DM21 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

Infiltration

17. No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with the National Planning Policy Framework.

Unexpected Contamination

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

External Lighting

19. No external lighting shall be used at the site unless for a temporary period. Should lighting be required, a Lighting Plan detailing the timeframe for which the lighting is required and how any impacts on areas likely to be used by breeding and wintering birds and foraging/roosting bats will be avoided shall be submitted to and approved in writing by the Local Planning Authority. The temporary lighting shall be implemented in accordance with the approved details.

Reason: In the interests of minimising the landscape and ecological impact of the development and the amenity of neighbouring residents in accordance with Policies DM14 and DM24 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

