

**PLANNING COMMITTEE –****PART 2**

Report of the Head of Planning

**PART 2**Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO 24/500125/FULL</b>		
<b>PROPOSAL</b> Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with inverter/transformer units, control house, substations, onsite grid connection equipment, storage containers, site access, access gates, internal access tracks, security measures, other ancillary infrastructure, and landscaping and biodiversity enhancement.		
<b>SITE LOCATION</b> Land At Pitstock Farm, Pitstock Road, Rodmersham, Kent		
<b>RECOMMENDATION</b> - Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and the completion of a Section 106 agreement or unilateral undertaking to secure the planning obligations 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 and s106 Heads of Terms as may be necessary and appropriate.		
<b>APPLICATION TYPE</b> - Major – Full Planning Application		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The application was called in by Rodmersham Parish Council due to their concerns of adverse impacts arising from the proposal and high degree of local public interest in the proposed development.		
<b>Case Officer</b> – Ben Oates		
<b>WARD</b> West Downs	<b>PARISH/TOWN COUNCIL</b> Rodmersham Bapchild Milstead	<b>APPLICANT</b> Volitalia UK Ltd. <b>AGENT</b> Stantec (Maeve Whelan)
<b>DATE REGISTERED</b> 26/01/2024		<b>TARGET DATE</b> 31/01/2025
<b>BACKGROUND PAPERS AND INFORMATION:</b> The full suite of documents submitted and representations received pursuant to the above application are available via the link below: - <a href="https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=S71D6NTYMJ100">https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=S71D6NTYMJ100</a>		

## 1. SITE LOCATION AND DESCRIPTION

- 1.1. The site covers an area of approx. 64.89ha at Pitstock Farm and is located approximately 3km south-east of Sittingbourne. At a more local scale, the site is approximately 490m to the south-east of the village of Rodmersham Green, approximately 1.5km to the south-west of the village of Rodmersham, approximately 450m to the north-east to the village of Newbury and approximately 550m to the north of the village of Dungate.
- 1.2. The site adjoins Green Lane to the north; Pitstock Road to the east; Penfield Lane and Slough Road to the south; and agricultural fields to all sides where not bound by a road. The M2 motorway is approximately 770m to the south of the site. Small groups of residential properties are located adjacent to the north-eastern, south-eastern, southern, and western extents of the site. Pitstock Road bisects the northern area of the site in a north-south direction; until it meets an area comprising farm buildings / sheds that is central to but excluded from the site.
- 1.3. The site is currently in agricultural use, consisting primarily of arable fields separated by hedgerows and drainage ditches. Evidently, the site is identified in the Local Plan as countryside area, outside of the built-up area boundaries. Electrical infrastructure comprising pylons and overhead lines also cross east to west through the centre of the site. The site also contains a relatively small area of identified brickearth deposit and there is a Public Right of Way (PRoW) (ref. 0211/ZR212/1) that crosses the northern half of the site in a north-south direction.
- 1.4. The site does not contain any heritage assets, however the Rodmersham Green Conservation Area is located nearby to the north-west, which includes several Grade II Listed Buildings. The Rodmersham Church Street Conservation Area is located approx. 900m to the north-east of the site, which contains the grade I listed St Nicholas Church (approx. 930m from the site). Several Grade II Listed Buildings are also located nearby to the south.
- 1.5. The site is not located within a designated area of National Landscape, however the Kent Downs area of National Landscape is located approximately 800m to the south on the other side of the M2 motorway. The site also adjoins a designated area of high landscape value to the west.
- 1.6. Cheney Wood and Cromer's Wood Kent Wildlife Trust Reserve and Local Wildlife Site are located nearby to the east of the site. The site is within Flood Zone 1 and therefore has a low risk of flooding, however the EA flood maps indicate small pockets of the site are subject to surface water flooding.

## 2. PLANNING HISTORY

### 2.1. Pitstock Farm:

**23/504540/ENVSCR** - Environmental Impact Assessment (EIA) screening report and request was submitted to the Council in October 2023 in regard to the Proposed Development in line with Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

The Local Planning Authority issued a screening opinion in December 2023, stating that an EIA for the proposals was not required. The screening opinion is valid for 3 years in accordance with the EIA Regulations.

### 2.2. Highstead Park:

The Highstead Park applications are acknowledged in the assessment of this application for the potential cumulative impacts that may arise.

#### **21/503914/EIOUT** – Live application

Land South And East Of Sittingbourne - Southern Site.

Outline Planning Application for the phased development of up to 577.48 hectares at Highsted Park, Land to the South and East of Sittingbourne, Kent, comprising of up to 7,150 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3). Up to 170,000 sq m / 34 hectares of commercial, business and service / employment floorspace (Use Class B2, Use Class B8 and Use Class E), and including up to 2,800 sq m of hotel (Use Class C1) floorspace. Up to 15,000 sq m / 1.5 hectares for a household waste recycling centre. Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E), non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including primary and secondary schools (Use Class F1(a)). Open space, green infrastructure, woodland, and community and sports provision (Use Class F2(c)). Highways and infrastructure works including the provision of a new motorway junction to the M2, a Highsted Park Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road), and new vehicular access points to the existing network; and associated groundworks, engineering, utilities, and demolition works.

### 2.3 **21/503906/EIOUT**– Live application

Land to the West of Teynham, London Road, Teynham - Northern Site.

Outline Planning Application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of. Demolition and relocation of existing farmyard and workers cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)). Mixed use local centre and neighbourhood facilities including commercial,

business and employment floorspace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2)). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works.

### 3. PROPOSED DEVELOPMENT

Planning permission is sought for the installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with inverter/transformer units, control house, substations, onsite grid connection equipment, storage containers, site access, access gates, internal access tracks, security measures, other ancillary infrastructure, and landscaping and biodiversity enhancement.

- 3.1. The development comprises the construction, operation, management and decommissioning of a grid connected solar farm with associated infrastructure (the 'generating station') to provide renewable energy via the Distribution Network Operator (DNO) grid network. It is proposed for a temporary period of 40 years, which at the end of that period the proposed solar farm, including all equipment and associated infrastructure, would be decommissioned and removed from site. The site would also be restored to a state suitable for agricultural use.
- 3.2. The proposed development would provide an export capacity of up to 41 Megawatts (MW) of renewable energy at peak operation.
- 3.3. The proposed solar panels consist of fixed tilt arrays mounted on metal frames. The lower edge of the panel would be approximately 0.8m from the ground, with the upper edge of the panel up to approximately 3.0m height from the ground. The proposed development also consists of the following ancillary infrastructure:
  - 7 x transformer units located around the site, each unit housed within prefabricated metal containers measuring approx. 6m long, 2.4m wide and 2.8m tall.
  - 2 x storage single module metal container units measuring approx. 12.1m long, 2.4m wide and 2.6m tall located at the northern end of the site.
  - A Distribution Network Operator (DNO) control house located at the northern end of the site, consisting of a pre-fabricated metal kiosk and measuring approx. 7m long 4m wide and 4.1m tall.
  - A customer substation located at the northern end of the site, consisting of a pre-fabricated metal kiosk and measuring approx. 6m long, 2.4m wide and 3m tall;

- A customer control station unit located at the northern end of the site, consisting of a prefabricated metal kiosk measuring approx. 7m long, 4m wide and 4.1m tall.
  - An approx. 2m tall wire fence including timber posts and steel gates ;
  - Inwards-facing CCTV and Infrared security systems mounted on approx. 3m tall poles located alongside the fencing; and
  - Access tracks – circa. 4m wide atop a geogrid stabilisation mesh and compacted soil base.
- 3.4. The proposal also includes a comprehensive landscaping strategy comprising a variety of native species, including vegetation to be used for visual screening and glare mitigation. Grass seed is to be sown to create meadow and tussocky marginal grassland habitats around the proposed solar panels, which once established will enable the land to be used for grazing as a secondary function.

### Revisions

- 3.5. The proposal was revised during the application in response to various comments received, with additional documentation provided to support the revised proposal. The revisions included minor site layout changes including relocating a section of panels that were previously proposed adjoining the PROW, realignment of the internal access track, reduced height of the solar panels from 3.4m to 3m in height, and landscaping changes in response to the above changes. Additional hedgerow screening was also provided to mitigate glare impacts to properties along Penfield Lane, which is proposed to be planted at its full height to provide immediate screening at the outset. The Heritage Environment Desk Based Assessment was revised and a supporting Heritage Technical Note was provided to ensure all relevant heritage assets were included in the assessment.

### Effect of the revisions on the EIA Screening

- 3.6. The following table shows the changes to site size and proposal during the various stages of the planning process. As can be seen, there is only a marginal difference in the proposal from the screening to application submission. Furthermore, the revisions during the application have not changed the size of the site or its energy production.

	Screening	Final Application	Post-Revisions
Used Land (ha)	65.04ha	64.89ha	No change
Energy produced (MW)	41MW	41MW	No change

- 3.7. Officers have considered the scope of changes, issues and material considerations during the life of an application in light of a previous EIA

screening. A new formal screening is not required during the application process due to the limited amount of changes to the scheme since the screening opinion was made by the LPA. Furthermore, there are no new permissions nearby that would create cumulative impacts that need to be considered under an EIA – noting that the Highsted applications are currently live applications and therefore not committed developments.

#### 4. REPRESENTATIONS

- 4.1. Two rounds of consultation have 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. During the first round 40 letters of representation were received in relation to the consultation, including 38 objections, 1 letter of support and 1 neutral comment. Following receipt of further information, 6 letters of representation objecting to the proposal were received in relation to the second consultation.
- 4.3. Concerns / objections were raised in relation to the following matters during the first round of consultation:

First Round Comments	Report reference
<b>Agricultural Land</b>	
The development would result in the loss of high-quality agricultural land for food production.	Section 7.1
The UK already imports a significant portion of its food, losing more agricultural land would exacerbate the UK's food insecurity issues.	Section 7.1
There are alternative sites in Swale with lower agricultural value than grade 3a. Sites are being promoted by landowners.	Section 7.1
When the panels come to the end of their life, the likelihood of the land being returned to agricultural use is almost non-existent	Section 7.16
Concern at transforming a fully viable agricultural farm (consisting of BMV Grade 1 & 2 'Excellent' rated soil) to a vast and incongruous solar farm.	Section 7.1
Concerns that the application downplays the quality of the	Section 7.1

agricultural land to suit their proposal.	
<b>Ecology</b>	
The assessment of the On-Site Hedge Baseline was conducted after the landowner removed an ancient hedgerow, including a large badger set, less than five years ago.	Section 7.8
Fencing around the site could become a barrier to the movement of wild mammals and amphibians and pose a collision risk for some bird species.	Section 7.8
Sparrowhawks are seen hunting for food in these fields. Buzzards nest in a wooded area adjacent to the proposed site. Bats are often seen at dusk. Green woodpeckers, great spotted woodpeckers, partridges, and pheasants nest in the land adjacent to the fields.	Section 7.8
Concern that the mitigation strategy for Skylarks will be finalised at the detailed planning stage	Section 7.8
Planting a sterile mixture of several grass species will achieve little BNG and it will be lost completely when the grass is controlled by introducing sheep or cutting.	Section 7.8
Establishing and managing wildflower meadows will be challenging and concerns with proposed management practices.	Section 7.8
Concerns at ability to monitor the achievement of proposed BNG and holding the developer accountable.	Section 7.8
<b>Highways</b>	
Access to the site is via narrow country lanes and the traffic and HGVs associated with the solar farm will have unacceptable impact on the quality and safety of the local road network.	Section 7.5

There is no consideration for cyclists and pedestrians on the construction route.	Section 7.5
Panteny Lane is a two-way single carriageway road with no central line markings. The speed limit varies from 30mph to the national speed limit (60mph). The road is classified as 'Unsuitable for Heavy Goods Vehicles'.	Section 7.5
Traffic associated with proposal will generate air pollution and emit CO2	Section 7.5
Vehicles will be unable to pass each other on the narrow roads which will create delays.	Section 7.5
Concerns at highways impacts on local schools	Section 7.5
<b>Amenity</b>	
The noise will have a greater impact than states and concerns with low level continuous noise.	Section 7.13
Air conditioning units necessary for battery storage systems generates significant noise.	Section 7.13
Concerns with the noise mitigation solutions for the inverter to change DC power from the solar panels to AC for the National Grid.	Section 7.13
CCTV will overlook properties.	Section 7.13
Large solar projects usually use drones as a method of visual maintenance. Due to us being surrounded this would be a huge invasion of privacy.	The application details do not mention the use of drones for maintenance. The operator would have vehicular access and CCTV security.
The applicant's determination that there is limited risk of reflection has no analytical base. There is no evidence of analysis showing average solar angles through different phases of the year or how these align with the proposed panel angles.	Section 7.6
Access was neither sought nor obtained by Pager Power;	Section 7.6



confirming that they did not visit neighbouring residential properties to make an informed and accurate assessment of potential impact in regard to Glint and Glare.	
Concern at the impact on visual amenity from neighbouring properties.	Section 7.2
Noise impacts from wind blowing through the solar farm - noises such as howling, whistling, and vibration.	Noise impacts from wind are not typically included in noise impact assessments.
Impact on wellbeing of livestock and horses.	Section 7.13
Properties not included within the glint and glare study.	Section 7.6
Concern that the screening to mitigate glint and glare is insufficient.	Section 7.6
<b>Heritage and landscape</b>	
Concern at the significant detrimental impact on the countryside landscape.	Section 7.2
The development would negatively affect scenic views and public footpaths in the area.	Section 7.4
Grade II listed buildings and their surroundings would also be impacted.	Section 7.3
Lighting will impact on the landscape at night.	Section 7.13
Concerns at the impact on the nearby Kent Downs National Landscape.	Section 7.2
Concerns at impacts on nearby conservations areas.	Section 7.3
<b>PROW</b>	
The ProW route has changed, it was diagonal but is now shown to have been changed.	Section 7.4
The PRoW would be inaccessible.	Section 7.4
The solar panels would create an unpleasant tunnel along the	Section 7.4

footpath, degrading the amenity value.	
<b>Climate Change</b>	
The environmental benefit from the renewable energy produced by this solar farm will be minimal compared to the environmental degradation caused by the scale of this proposal.	Section 7.17
Solar farms do not produce much power for the national grid only about 5% which is small compared to nuclear or off shore wind power.	Section 7.1
The energy generation from the panels will unlikely directly benefit the residents of the surrounding villages.	Section 7.1
New build properties should include provision for roof based solar arrays.	Not a material consideration to this application.
There will considerable CO2 expelled in the construction of this site, not to mention the PV panels construction and associated components from possible foreign manufacture.	Section 7.1
In the UK the sun shines only 34% (max) in daylight hours. Typically the panels only run at 10% for standard panels or up to 20% for expensive panels	Section 7.1
Solar farms are highly inefficient and need certain temperature parameters otherwise production of energy is reduced	Section 7.1
<b>Other</b>	
Concern that there are storage containers on site that could house batteries and therefore fire risk associated with the batteries.	The proposal does not include battery storage.
The scale of the site may make it difficult to extinguishing a major electrical fire.	Section 5.9
Lack of information of the nearest suitable substation for the solar farm to connect to.	Section 7.1

Majority of solar panels are unable to be recycled.	Not a material planning consideration in this application
Many solar panels are manufactured in countries with lax environmental regulations, leading to concerns about pollution and labour conditions, especially true for the mining of materials for batteries, with child labour being used in African mines.	Not a material planning consideration in this application
Concern that the proposal would lead to future brownfield development.	Section 7.16
Concerns at the cumulative impacts associated with other nearby development proposals such as Highsted Park	Section 7.2
There would be no benefit to the local community.	Section 7.17
Concern that the proposal would not be temporary.	Section 7.16

4.4. Support comments were made in relation to the following matters:

<b>Support comments</b>
The proposed solar farm will make excellent use of land and responds to the climate emergency.
The proposal is unlikely to increase traffic on local roads
Native hedgerows should be planted along boundaries to enhance the environment and provide shelter to wildlife.
Sheep grazing would be an added benefit.

4.5. Objections were raised in relation to the following additional matters during the second round of consultation:

<b>Second Round Additional Comments</b>	<b>Report reference</b>
<b>Landscape and visual</b>	
The amendments have not addressed the landscape and visual impacts	Section 7.2
Visual impacts from neighbouring properties	Section 7.2

<b>Highways</b>	
Concerns that transport and highways impacts are not appropriately mitigated	Section 7.5
<b>Amenity impacts</b>	
Glint and Glare impacts have not been assessed correctly.	Section 7.6
Increased heat radiated from the solar panels	Section 7.13
Impacts on privacy during maintenance	Section 7.13
Air quality impacts from increased traffic	Section 7.12
<b>Ecology</b>	
Impacts on birds from moonlight reflected from the solar panels	Section 7.8
<b>Other</b>	
Disruption from cabling and queries regarding the DNO connection point	Section 7.1
Safety implications from battery storage	Not a material consideration in this application.
Lack of benefit to the local community.	Section 7.17
The offer of a community fund is not part of the formal proposal	Not a material consideration in this application.
Concerns about the disposal of solar panels and that solar panels will not be able to be recycled.	Section 7.16

- 4.6. Objections were received from the local Parish Councils in the first and second rounds of full public consultation. The Parish Councils were consulted a third and fourth time following the receipt of updated documents in relation to specific concerns raised. Objection to the application on behalf of **Bapchild, Milstead and Rodmersham Parish Councils** (combined) was received, which raised the following concerns during the first round of consultation:

<b>First Round Comments</b>	<b>Report reference</b>
<b>Agricultural Land</b>	
Concern that the Orchards were removed in preparation for an application – rather than for issues	Not a material consideration in this application.

including financial reasons and poor fruit yields.	
Concern that the application does not sufficiently demonstrate that poorer quality agricultural land has been used in preference to higher quality.	Section 7.1
Disputes that the submission fully demonstrates that opportunities to enhance biodiversity have been exploited and that the analysis of impacts predicted to arise from the proposed development, including cumulative, can be seen to be minimised and mitigated by the Applicant to acceptable levels.	Section 7.8
ASA includes an unnecessarily restrictive requirement of 50 to 55ha of land and there is not sufficient justification why two smaller parcels could not be viable.	Section 7.1
Concern that the scope of sites assessed (restricted to the Brownfield Land Register, Strategic Housing Availability Assessment, Employment Land Review, Local Plan Allocations and Land for Sale) would result in a list of unsuitable sites for Solar Farms.	Section 7.1
Secretary of State for Energy Security and Net Zero in a ministerial statement published on the 15 May 2024 seeks to avoid solar farm developments on high quality agricultural land.	Section 7.1
<b>Landscape Impacts</b>	
Concerns of the proposal's impact on the visual appeal of the landscape character in reference to the Landscape Character Appraisal SPD.	Section 7.2
Concerns of impact to character of Rural Lanes	Section 7.2
Concern that the LVIA does not take account of impacts during	Section 7.2 and 7.16

construction and decommissioning phases.	
Concern at the lack of assessment of cumulative impacts.	Section 7.2
Concerns at the erosion of the rural visual scene and tranquillity.	Section 7.2
Concerns that the LVIA methodology and omissions affect the baseline and skew the findings of the LVIA.	Section 7.2
The proposed screening mitigation would not be effective due to rolling topography and incongruous to an area characterised by low hedge rows and open fields.	Section 7.2 and 7.6
The additional documents provided indicates the assessment remains inconclusive so would not support a positive decision and the above objections remain.	As above
<b>Highways</b>	
Concerns of impacts to highways safety (including cyclists, horse riders and pedestrians) from HGVs on narrow rural roads.	Section 7.5
Road sign on the A2 London Road indicates that Panteny Lane is classified as 'Unsuitable for Heavy Goods Vehicles'.	Section 7.5
Concerns of air quality impacts from HGVs.	Section 7.12
Concerns that the Transport Assessment does not consider the lack of footpaths on surrounding roads.	Section 7.4 and 7.5
Concerns with conflicts between HGVs from construction and local farms on narrow roads.	Section 7.5
<b>Amenity</b>	
The maintenance of panels and the security measures could also lead to impacts on privacy, noise and	Section 7.13

disturbance and is not fully addressed.	
No suitable mitigation is proposed for impacts on residential amenity and safety, with regard to noise, air quality, tranquillity or transport to acceptable levels.	Section 7.13
Glint and Glare Study has not correctly identified residential properties impacted by the proposal.	Section 7.6
Concerns that the mitigating planting will not be sufficient.	Section 7.6
<b>Biodiversity and Ecology</b>	
Concerns that the existing biodiversity has been deliberately reduced in advance of this application for development.	Section 7.8
Concerns that the proposed Emorsgate seed mix EM2 will produce a grass field which will not deliver the Biodiversity Net Gain expected.	Section 7.8
The land is ideal for fruit, vines, and arable crops - therefore, the financial justification provided by the applicant for removing the orchards is contrary to any available evidence.	Not material to this application
Concerns that the Ecological surveys were not undertaken at appropriate times of the year.	Section 7.8
Concerns raised by Redkite (Objector's Ecology Consultants) on methodology of the EclA.	Section 7.8
Potential challenge to permission if extent of protected species not properly established.	Section 7.8
<b>Climate Change</b>	
Acknowledged that the government has declared a climate emergency and set a statutory target of achieving net zero emissions by	Section 7.1

2050, which the proposal aligns with.	
<b>Other</b>	
Concerns that the EIA screening opinion is at odds with the SPD and should not be relied upon to justify its impact as has been done in the Planning Statement.	Duly noted
Concerns regarding the cumulative impact with nearby proposed developments (21/503906/EIOUT and 21/503914/EIOUT), which were called in by the Secretary of State and the Public Inquiry is due to start on the 11th March 2025.	Duly noted.
The PROW on the maps is not the walked route on the ground.	Section 7.4
Application provides misleading information with submitted factual oversights.	Not a material planning consideration.

- 4.7. The objection to the application on behalf of **Bapchild, Milstead and Rodmersham Parish Councils** raised the following concerns during the second round of consultation:

Concerns	Report reference
<b>Agricultural Land</b>	
Concern that the additional documents don't address the deficiencies previously identified and therefore previous concerns remain.	As above
Planning Statement addendum does not address the methodology issues in the previous objection.	As above
<b>Glint and Glare</b>	
Concern that the updated Study still incorrectly identified residential properties impacted by the proposal.	Section 7.6
<b>Highways</b>	



Disputes claims in the submitted technical note and that the previous concerns remain outstanding.	Section 7.5
<b>PROW</b>	
The PROW on the maps is not the walked route on the ground.	Section 7.4

4.8. **Tonge Parish** Council objected once to the application on the following grounds:

Grounds	Report reference
Loss of Best and Most Versatile (BMV) agricultural land, reducing our country's ability to produce food we will need to import more from abroad and so increasing our carbon admissions.	Section 7.1
Concerned about access to the site during the construction phase, especially HGVs.	Section 7.5
Concerns with construction vehicles accessing the site every week day and Saturdays along narrow, unsuitable country lanes, inflicting congestion, noise and safety concerns for many people. We consider this dangerous and unacceptable.	Section 7.5
Concern that due to the congestion and confusion caused by this construction it will force drivers on to Dully Road, which is very narrow road.	Section 7.5
Vehicles will be travelling east along the A2, through Tonge and Teynham. This will make this already highly polluted and congested road even worse and more dangerous.	Section 7.5

4.9. Rodmersham Parish Council and Milstead Parish Council objected separately to the third (direct) re-consultation stating that the amendments did not resolve their previous concerns. Rodmersham Parish Council raised a fourth objection to the application on 11 July 2025 raising concerns as follows:

<b>Grounds</b>	<b>Report reference</b>
Failure to Undertake a Habitats Regulations Assessment (HRA)	Section 7.9
Failure to Update or Revisit the Environmental Impact Assessment (EIA) Screening	Section 3
Cumulative and In-Combination Effects	Section 7.3
Failure to recognise impacts on the Grade I Listed Saint Nicholas Church and Rodmersham Church Street Conservation Area	Section 7.4
Concern that construction traffic will have adverse impacts on nearby heritage assets.	Section 7.4
Glint and Glare impacts and associated screening	Section 7.7
Decommissioning – remnant ancillary infrastructure	Section 7.17

4.10. The Kent branch of the Campaign to protect Rural England (CPRE) objected twice to the application, the first objection raised the following concerns:

<b>First Round</b>	<b>Report reference</b>
<b>Principle</b>	
In principle objection to ground-mounted solar farms, when the opportunity exists for rooftop solar on existing and new build development	Section 7.1
Consideration of alternative sites – radius of area of search should be increased, particularly as the site lies at the outer extremity of the current 8km zone	Section 7.1
Loss of productive farmland, including best and most versatile land (BMV).	Section 7.1
<b>Landscape and PROW</b>	
Adverse impact on the local landscape and setting of the	Section 7.2

designated Kent Downs National Landscape.	
Adverse impact on the enjoyment of public footpath ZR212 which runs through the site.	Section 7.4
<b>Biodiversity</b>	
Any Skylark mitigation proposal should be established and confirmed to be utilised by Skylarks prior to any territories being destroyed. A mitigation strategy with hypothetical ideas is not workable and not acceptable for a protected species in decline.	Section 7.8
A Dormouse survey should be carried out by a suitably qualified ecologist with a ECoW present on site were the solar farm be granted permission.	Section 7.8
At least one visit at dusk should have been carried out for both the breeding bird survey and the winter bird survey so as birds that are active around these times have a chance of being noted.	Section 7.8
Consideration should be given during the construction and decommissioning phase within the EIA to any priority habitat that lies in, near to or adjacent to the Site.	Section 7.8 and 7.16

4.11. The CPRE (Kent) raised a second objection to the application reiterating the concerns from Rodmersham Parish Council's fourth objection (above) regarding the potential impacts on the Grade I listed St Nicholas Church and Rodmersham Conservation Area.

4.12. The Swale Footpaths Group responded noting that no diversion of ZR 212 is to be sought.

## 5. CONSULTATIONS

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

5.1 **Active Travel England:** No objection.

5.2 **Environment Agency:** No objection.

5.3 **Lower Medway Internal Drainage Board (LMIDB):** No objection.

5.4 **National Highways (NH):**

Initially raised concern about the safety, reliability, and operational efficiency of the Strategic Road Network (SRN), in this case the M2 in the vicinity of the site. The Glint and Glare Study has identified that there is a 500m stretch of the M2 where solar reflections are geometrically possible. Their concern is that the Study does not include seasonal analysis and what this means for the sufficiency of screening. Mindful that within the 500m stretch identified there is a bridge section of the M2 with even less screening.

However, further information was provided by the applicant in March 2024 demonstrating that the proposal would not result in glint and glare impacts on the M2. As such, the concerns were withdrawn and NH confirmed they have no objections.

5.5 **National Air Traffic Services (NATS):** No objection.

5.6 **Natural England:** No comments to make on this application.

5.7 **Southern Water:** No objection.

5.8 **UK Power Network:** No objection – standard information regarding underground cables which could be secured by an informative.

5.9 **Kent Fire & Rescue (KFR):** Initially requested confirmation on the isolation of the electric supply to the site or array of panels and consideration of the provision of fire appliance turning points along the dead-end access tracks.

The applicant confirmed the points requested and suggested that turning points be secured by condition. KFR responded to note that their observations have been addressed in the Planning Statement Addendum and have no objection to turning points being conditional to approval.

5.10 **KCC Minerals & Waste:** No objections - The application site includes safeguarded mineral deposit, Brickearth. Minerals Assessment submitted and seeks to justify exemptions under Policy DM7 (2) and (4). KCC consider that exemption criterion 4 does not apply, though exemption criterion 2 can be invoked to set aside the presumption to safeguard in this circumstance.

5.11 **SBC Heritage:** Three rounds of consultation have been carried out.

Initially agreed with the applicant's assessment that 7 heritage assets experience low levels of less than substantial harm. Public benefits would likely outweigh harm. However, initially also advised that more should be done to reduce the level of identified harm further, although noted that this would come at the expense of the amount of energy the site could generate.

Following the reduction in height of the proposed panels, SBC Heritage acknowledged that the reduction in height will lessen the heritage impacts to an extent, however it does not fully remove the impact. Therefore section 215 of the NPPF is relevant, which requires the harm to be weighed against the public benefits of the proposal. Similarly, the reduction in panels in the centre of the site will only slightly alter the overall effect and does not remove the harmful impact.

A 3<sup>rd</sup> round of consultation was carried out following the provision of the updated Heritage Environment Desk Based Assessment and supporting Heritage Technical Note. This clarified the reasons for scoping out the grade I listed St Nicholas Church and Rodmersham Church Street Conservation Area. The SBC Heritage officer advised that he disagrees with the suggested limited setting of the church as stated within the Technical Note. SBC Heritage considers that the proposal sits within the setting of the listed church, which derives its setting from the surrounding agrarian landscape. Furthermore, given the proposed solar farm would replace the existing agricultural land, it would therefore have an adverse effect on this setting, albeit this would be at the very low end of the scale of less than substantial harm due to the distance and limited intervisibility.

Regarding the potential harmful effects on the Rodmersham Church Street Conservation Area, SBC Heritage advise that due to the development type, significant separation distance, intervening topography, planting and existing development there would be no intervisibility and therefore no harm.

**5.12 SBC Urban Design:** No comment - solar equipment is utilitarian in nature that would not require design input.

**5.13 Kent Downs National Landscape Unit (KDNLU):** Agrees with the application submission that views to the proposed solar array from the Kent Downs National Landscape would be limited. However, advises that the site is considered to sit within the setting of the Kent Downs and is an important part of the transition between the undesignated land to the north and the National Landscape to the south. The KDNLU advises that, due to the scale and nature of the proposal, it would harm the setting of the Kent Downs National Landscape area, and raises concern that the impacts are unable to be mitigated.

**5.14 KCC Archaeology:**

Initially requested further information following programmed trenchwork to be carried out as there are areas to the south and south-east of Pitstock Farm where archaeology has been identified and needs to be better understood at this stage to inform the design and decision. Concern was initially raised regarding the protection of areas of archaeology sensitivity, however a condition has been proposed that secures the agreement of preservation measures in all areas of the development that have an appropriate Archaeological Sensitivity. This was agreed by KCC Archaeology and the condition amended to suitably mitigate the impacts of the proposal. A condition is also recommended to install information boards to reveal the significance of the identified assets, and a standard condition for the protection of other potential assets across the wider site.

**5.15 Mid Kent Environmental Protection (Mid Kent EP):**

Initially requested further information including a low-frequency noise (LFN) assessment, construction phase noise assessment, and external lighting to be used for the construction and operational phases. Following receipt of a noise technical note the Mid Kent EH confirmed that the transformers will be below the criterion curve of NANR45 and therefore removed the recommendation for assessment of LFN. It was also agreed that lighting could be secured and controlled by conditions. Land contamination conditions also recommended.

**5.16 KCC Ecological Advice Service (KCC EAS):**

Initially requested further information including the results of all further necessary surveys and a conclusion as to whether the development will achieve a net gain for biodiversity, which should be submitted within an Ecological Impact Assessment (EclA).

A revised EclA was submitted and confirmed by KCC EAS to provide sufficient information for their assessment.

Skylarks: The loss of existing skylark habitat at this site needs to be compensated for off-site and cannot be provided on-site. Following confirmation of an off-site location it was accepted that Skylark mitigation is to be secured by s106.

Hedgerow: In response to concerns raised by the Parish Council, the applicant was requested to acknowledge the hedgerow removal and include it within its biodiversity net gain (BNG) calculations. Response provided (16/04/2024) clarified the timing of vegetation removal, which KCC Ecology confirmed that the hedgerow removal does not impact on BNG in this instance.

Conditions recommended to secure works carried out in accordance with EclA, LEMP and BNG Report, a Construction Environmental management Plan (CEMP), Skylark mitigation and post completion monitoring (or via s106), Badger fencing and wildlife sensitive lighting (mitigation for hazel dormouse and bats)

**5.17 KCC Flooding & Drainage (LLFA):** No objection in principle to these proposals but will require more information as part of the detailed as to the specific details of interception swales and buffer zones (locations, capacities etc.). Further details should also be provided clarifying how the ancillary buildings will be drained. Conditions recommended for detailed sustainable surface water drainage scheme and verification report, which officers consider would capture the additional information requested.

**5.18 KCC Highways:** Three rounds of consultation have been carried out.

Initially requested that a Construction Traffic Management Plan site plan be provided which shows the location of the parking and turning areas for construction and delivery vehicles and site personnel and wheel washing facilities.

Following receipt of the construction compound plan KCC Highways confirmed that the additional details addresses the concerns, no further objections subject to a suite of conditions to secure the gates, loading and turning facilities, the access, visibility splays, parking and wheel washing facilities during construction.

**5.19 KCC Public Rights of Way (PROW):** Four rounds of consultation have been carried out.

Initially raised concerns regarding the following matters:

- Incorrect alignment of the PROW route ZR212 shown within application documents
- Adverse impact on the rural highway network during construction phase giving rise to conflict with non-motorised user use, which requires greater measures to ensure safety.
- Significant impact on the amenity of the PROW network in relation to landscape and visual impacts without appropriate mitigation proposed.
- Further detail required regarding land use post decommissioning and therefore future environment of PROW

Following receipt of further information in October 2024, KCC PROW acknowledged that the PROW route ZR212 alignment had been corrected, but advised that they maintain their holding objection.

Further justification was provided in February 2025, which the KCC PROW reviewed and advised that the issues previously raised were now considered to be resolved subject to details being secured by condition. KCC PROW further advised that they have reviewed the outline Construction Traffic Management Plan (CTMP) and note the construction traffic routing will use Church Street & Panteny Lane (single track roads), both of which are used to access 5 other public footpaths: ZR194, ZR208, ZR199, ZR209 & ZR682. However, it was later noted that there does not appear to be an alternative for construction traffic to access the proposed site. In addition and considering the position and routes of

the connecting PROW's, the amount of non-motorised user use on Panteny Lane and Church Street is minimal. It is recommended that that CTMP include safety measures which should be secured by condition.

A condition has also been recommended to secure a PROW Management Scheme to cover detail of construction, operation and decommissioning phases.

**5.20 SBC Climate Change Officer:** No objections.

**5.21 SBC Tree Officer:** No objections subject to securing arboricultural details and the proposed Landscape Environmental Management Plan (LEMP) by condition.

**5.22 Kent Police:** Offered standard advice regarding secure by design measures, which could be secured by condition.

**5.23 LVIA Consultant (Peter Radmall Associates (PRA)):**

Initially advised that the LVIA is largely consistent with best practice as set out in Guidelines for Landscape and Visual Impact Assessment (GLVIA3, LI/IEMA, 2013). However, queries were identified in relation to the following, which may be sufficient to question its conclusions:

- The reliability of the visual material, and especially the technical basis and status of the modelled visualizations;
- The definition of landscape receptors and their sensitivity;
- The selection of assessment views and receptor sensitivity; and
- Variations in the predicted effects reflecting the above.

As a result, it was advised to not necessarily take all the conclusions of the LVA at face value, without considering the points raised in the review.

Several rounds of further information and review were undertaken to overcome the concerns raised.

The review of the final LVIA Addendum concludes that there continues to be deficiencies in the information provided as follows:

- The reliability of the Realm material remains subject to a "health warning";
- Compliance with Policy DM24 remains a matter of professional opinion, reflecting differences in influences such as the sensitivity of the landscape receptors;
- These differences are particularly evident in the relationship between the Kent Downs National Landscape (NL), the Area of High Landscape Value (AHLV) and the Rodmersham Mixed Farmlands Landscape Character Area (LCA);
- Whilst PRA agree with the overall sensitivity of the application site, the sensitivity of attributes such as openness and rural character remains a matter of opinion;



- Differences over visual sensitivity also remain a matter of opinion;
- Disagreement over the Y1 landscape effects remains a matter of professional opinion;
- Some remaining disagreements over visual effects are also a matter of opinion, including the degree of reliance that can be placed on the Realm visualizations; and
- The LVIA conclusions over cumulative effects seem reasonable on the basis of a desktop review.

#### 5.24 **Reading Agricultural Consultants (RAC):**

Initially advised that much of the analysis in the Agricultural Considerations report is based on the Agricultural Land Classification (ALC) findings and that this review has identified a significant deficiency in the recorded soil profiles. It was recommended that the soil profile logs be reviewed in light of the topsoil textures as confirmed by the laboratory before any further review is undertaken of the Agricultural Considerations report.

Following the submission of several rounds of further information and justification, RAC advised that they acknowledge the ALC distribution is probably broadly representative of the site, however remained concerned it is based on data that can still not be verified. The laboratory data and the hand-texturing do not align, and the issue of the chalk is not resolved because the rooting depth was not determined from a pit, nor the confirmed textures considered.

RAC further concluded that at best, the classification of the site shown in Version 3 can only be taken as broadly representative of agricultural land quality.

#### 5.25 **Historic England**

Historic England will not be engaging as the case does not meet their engagement threshold.

### 6. DEVELOPMENT PLAN POLICIES

#### **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 (the Local Plan)**

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  
DM26 Rural Lanes  
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

**National Planning Policy Framework (the NPPF)**

**National Planning Practice Guidance (NPPG)**

**Kent Mineral and Waste Local Plan 2024-39 (KM&WLP), 2025 & the Kent Mineral Sites Plan (KMSP), 2020.**

**7. ASSESSMENT**

7.1. The main considerations involved in the assessment of the application are:

- The Principle of Development
- Landscape and Visual Impact
- Heritage
- Public Right of Ways
- Transport and Highways
- Glint and glare
- Trees
- Ecology
- Archaeology
- Flood Risk, Drainage and Surface Water
- Contamination
- Air quality

- Living conditions
- Designing out crime
- Decommissioning

## **7.2. Principle**

7.2.1. 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.

7.2.2. The NPPF 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.

### Proposed use for renewable energy production

7.2.3. Chapter 14 of the NPPF relates to meeting the challenge of climate change stating that the planning system should support the transition to a low carbon future. At paragraph 168(a), the NPPF says that when determining planning applications for all forms of renewable and low carbon development and their associated infrastructure, Local Planning Authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. This is supported locally at Policies ST1(10a) and DM20 of the Local Plan.

7.2.4. The Council declared a Climate and Ecological Emergency in June 2019 and announced a target to be carbon neutral as a Council by 2030, as well as to address the Ecological Emergency, which is resulting in unprecedented rates of nature decline. In order to implement meaningful action, SBC prepared a Climate and Ecological Emergency Action Plan (2020). An updated Climate and Ecological Emergency Action Plan was adopted in 2025.

7.2.5. The proposed solar PV installation at Pitstock Farm would generate 41MW of clean renewable electricity, which the submitted documentation states would meet the electrical needs of approximately 14,384 homes and is the equivalent of offsetting 35,681 tonnes of CO<sub>2</sub> emissions per year. The proposed development would therefore make a significant contribution towards meeting both national and local renewable energy targets. The proposal would also create employment opportunities during both the construction and operation of the development.

- 7.2.6. The principle of the proposed development is therefore supported by NPPF paragraph 168(a) and Policy ST1(10a) of the Local Plan. However, the support for the development of renewable energy sources under Policy DM20 of the Local Plan is subject to the consideration of more detailed matters, which are set out below.

Use of Agricultural Land and Alternative Sites

- 7.2.7. The application site is located within the countryside and comprises agricultural land.

- 7.2.8. 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.*

- 7.2.9. Paragraph 187(b) of the NPPF states 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.*

- 7.2.10. Local Plan Policy DM31 seeks to protect high quality agricultural land and states the following:

*“Development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. Development on best and most versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless:*

- The site is allocated for development by the Local Plan; or*
- There is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and*
- The development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.”*

- 7.2.11. Local Plan Policy DM20 sets out the requirements for renewable and low carbon energy proposals to gain planning permission. Part 1 requires *“Analysis of all impacts and methods to avoid and mitigate harm from these impacts is fully addressed in any planning application for such proposals”*. Part 4 of the policy also seeks to protect high quality agricultural land, and states that proposals will be granted permission where: *“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”.*

**Agricultural Land Classification (ALC)**

- 7.2.12. 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 65 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.
- 7.2.13. 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 advised that they did not wish to comment on the proposal.
- 7.2.14. The proposed development would be located on agricultural land that is currently in use for agricultural purposes. The Agricultural Land Classification (ALC) 2020 mapping indicates that the site contains grade 1 and 2 agricultural land – with the grade 1 land predominantly on the western side of Pitstock Road.
- 7.2.15. The applicant has submitted an Agricultural Land Classification Survey undertaken by Askew Land and Soil, which indicates that the site contains a mixture of land from grade 1 to Subgrade 3b land, and that 91.2% of the land within the site is classified as Best and Most Versatile (BMV). The Survey indicates the following split between ALC categories:

ALC Category	Percentage of land on site
Grade 1	19.6%
Grade 2	40.9%
Grade 3a	30.7%
Grade 3b and below	8.3%
Non-agricultural	0.5%

- 7.2.16. The ALC Survey was reviewed by an independent consultant, Reading Agricultural Consultants (RAC) who raised concerns with the accuracy of the information in the report. RAC concluded that given that much of the analysis in the Agricultural Considerations report is based on the ALC findings and that the

RAC review identified a significant deficiency in the recorded soil profiles, it was recommended that the soil profile logs be reviewed in the light of the topsoil textures as confirmed by the laboratory before any further review is undertaken of the Agricultural Considerations report.

7.2.17. Additional information was provided by the applicant and reviewed by RAC on several occasions during the application to address the issues raised. RAC note in their response from April 2025 that the “repeat site visit and the inclusion of additional laboratory analysis are positive advances”, however there remained concerns about how this was reflected in the ALC grading across the site and lack of consideration of the chalk profiles.

7.2.18. The applicant’s consultant provided an additional letter (dated 22 May 2025) justifying their previous report. They also provided an additional set of ALC results in response to the concerns from RAC to demonstrate how this may affect the results. These are provided in the table below and indicate that there may be a higher amount of grade 2 land and less grade 3a and 3b land. The differences are not significant, and RAC concludes in their response in June 2025 that they acknowledge that the reported ALC distribution is probably broadly representative of the site. However, RAC remains concerned about the accuracy of the results.

ALC Category	Percentage of land on site
Grade 1	19.5%
Grade 2	49.5%
Grade 3a	24.9%
Grade 3b and below	5.6%
Non-agricultural	0.5%

7.2.19. It is acknowledged that this matter was not fully resolved and due to the limited progress in addressing the outstanding issues it was concluded that there was little merit in continuing the discussions with the applicant. However, it is also acknowledged that the applicant’s consultant provided ALC results assuming deeper plant root depths in chalk to address the query raised by RAC. The Planning Statement Addendum contends it is accepted by all parties that the land is classified as BMV land and that minor changes in the classification across different parts of the site are not considered to materially impact the overall planning balance. Officers were initially concerned that the submitted information puts into question whether a higher percentage of the land is grade 1, which creates difficulty in comparing this site with the alternative sites identified. However, the alternative results above demonstrate that there is almost no change to the grade 1 results and that the differences in the results of the grade 2 and 3 land are minor. As such, officers agree that the unresolved issues are unlikely to significantly change the results reported. However, in order to take a

cautious approach and account for a worst-case-scenario, officers have considered both sets of ALC results in the alternative sites assessment set out below.

*Alternative Sites Assessment*

- 7.2.20. The proposed development would not be suitable within the built-up-area-boundaries of the Borough and therefore the proposal does not conflict with the first sentence of Policy DM31 of the Local Plan. The proposal is located on BMV agricultural land and therefore the proposal is required to satisfy either test #1, or tests #2 and #3 of Policy DM31 of the Local Plan. The application site is not allocated under the Development Plan and therefore test #1 is unable to be met. As such, both tests #2 and #3 are applicable and need to be satisfied.
- 7.2.21. To address test #2 of Policy DM31 and Policy DM20 Part 4 of the Local Plan, the applicant has submitted an Alternative Sites Assessment (ASA) in conjunction with the ALC survey. The ASA seeks to identify the availability of alternative sites that could accommodate the proposed development, with focus given to the availability of previously developed land, non-agricultural land or land of lower agricultural grade, within a defined search area based on the Point of Connection (PoC) to the electricity network, which has been agreed with the Distribution Network Operator (DNO).
- 7.2.22. The Applicant has an agreement with the DNO to connect to the Sittingbourne substation, and therefore the study area for the ASA is centred on that PoC. As such, a search area radius of 8km around the Sittingbourne substation is used for the ASA. The ASA identifies further parameters required for the proposed development, such as size, ALC grade, access, statutory and local designations, visual impacts, flooding and safety risks, topography and availability for development.
- 7.2.23. Officers note that the amount of land within each ALC grade of BMV land quality has played a role in the assessment of alternative sites. Having considered both the reported results and the alternative (worst-case-scenario) results, it is evident that the conclusions of the ASA would remain the same. As such, officers consider that sufficient information has been provided to enable the Council to determine the application. 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 suitable alternative site. As such, the application complies with Local Plan Policies DM20 Part 4 and DM31 Part 2.
- 7.2.24. Neither the NPPF, nor the Local Plan policy prevent the use of BMV agricultural land, however they require that the benefits of the proposal justifies the loss of the BMV land. 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.

- 7.2.25. 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.

*Agricultural holding viability / continued use*

- 7.2.26. To address test #3 of Policy DM31 and Policy DM20 Part 4 of the Local Plan (in regard to continued agricultural use), the applicant has submitted an Agricultural Considerations Report (ACR). This sets out the methodology for the installation of the proposed solar panels, showing the limited amount of land required for the framework and foundations.

- 7.2.27. The ACR demonstrates that the land could be kept in an agricultural use such as livestock grazing and that the solar farm will create an alternative income for the farming business. It is recognised that the land can still play an important part in both agricultural and environmental purposes. Grazing could take place across the land below the proposed panels and also the land can be rested and left to develop as wildlife meadow. Therefore, there is limited grounds to say that the agricultural land would be entirely lost during the operation of the proposed solar farm. The proposal also seeks temporary permission and the solar farm would be decommissioned at the end of a 40 year period, whereby the land would be rehabilitated to be made suitable for agricultural use again. The decommissioning phase is recommended to be secured by condition to secure the removal of the solar farm and reversion of the land back to a state suitable for agricultural use. As such, subject to the recommended condition, officers consider that the proposal passes test #3 and therefore accords with Policy DM31 of the Local Plan.

*Conclusion on Agricultural Land*

- 7.2.28. 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 Policies DM20 and DM31.
- 7.2.29. 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.



- 7.2.30. Having taken account of the siting on agricultural land and the consideration of alternative sites, the principle of the proposal is on balance acceptable in accordance with the Local Plan and NPPF.

### **7.3. Landscape and Visual Impact**

- 7.3.1. Paragraph 187 of 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 BMV agricultural land, and of trees and woodland.
- 7.3.2. The NPPF at paragraph 189 also states that great weight should be given 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’.
- 7.3.3. Section 85(A1) of the Countryside and Rights of Way Act 2000 requires a relevant authority, in exercising or performing any functions in relation to, or so as to affect, land in a National Landscape, must seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape.
- 7.3.4. To comply with this duty, the decision maker should first assess whether the proposed development will accord or conflict with the purposes stated in the statutory duty. If there is conflict, then the decision maker should go onto consider whether to grant planning permission and to explain why they have decided that planning permission may justifiably be granted. This may include consideration of the size and scale of the development, the extent and severity of conflict with the stated purposes and any mitigatory or compensatory measures. Paragraph 189 of the NPPF reflects the statutory duty insofar as it relates to the effects of development proposals on protected landscapes and scenic beauty, and provides the ability for a decision maker to apply a suitable amount of weight to this matter when determining proposals that either accord or conflict with the statutory duty.
- 7.3.5. Local Plan Policies ST1 and DM14 both contain parts that seek to conserve and enhance the natural environment. Policy DM26 seeks to protect the character of rural lanes and applies to Pitstock Road, Slough Road, Cheney Hill, Bottles Lane and Green Lane.
- 7.3.6. Policy DM24 of the Local Plan supports the NPPF and seeks to conserve and enhance valued landscapes, including National Landscapes. Part A of this Policy specifically refers to designated landscapes including their setting. Part B relates

to non-designated landscapes. The application site itself is not within any designated protected landscape; however the south-western boundary adjoins district-level character area 40: Rodmersham and Milstead Dry Valley, which is designated in the Local Plan as an Area of High Landscape Value (AHLV). In addition, the land on the opposite side of the M2 motorway to the south, which is approximately 800m from the site, is designated as the Kent Downs National Landscape. As such, both Parts A and B of the policy are relevant.

7.3.7. The site falls within the following published character types / areas:

- National character area (NCA) 119: North Downs;
- County-level character area: Kent Fruit Belt; and
- District-level character area 29: Rodmersham Mixed Farmlands.

7.3.8. The Rodmersham Mixed Farmlands local character area (LCA) is described within the Swale Landscape Character and Biodiversity Appraisal (2011) as a rolling landscape with steeply sloping, rounded, dry chalk valleys cutting north / south through the landscape. Other key characteristics of the LCA are identified as follows:

- Land largely used for grazing and arable production, with significant areas of fruit production, including traditionally managed orchards,
- Isolated properties and farmsteads, occasional small-scale historic villages,
- Occasional unsympathetic largescale modern agricultural buildings,
- Scattered remnant deciduous woodlands at field boundaries,
- Isolated long views from open grazing land, elsewhere enclosed by topography and vegetation,
- 'A' road and narrow winding lanes.

7.3.9. The published sensitivities of the Fruit Belt and Rodmersham Mixed Farmlands are stated to be "Poor" and "Moderate" respectively. This in large part reflects the hedgerow removal, decline in traditional orchards, and introduction of single species shelter-belts and dwarf root-stock fruit-growing that had occurred at the time these character assessments were undertaken. However, it should be noted that these conclusions are "generic", and do not specifically reflect the sensitivity of the area to solar energy development.

7.3.10. The application is accompanied by a Landscape & Visual Impact Assessment (LVIA). The Zone of Theoretical Visibility (ZTV) that accompanies the LVIA [LVIA Figure 5] indicates that the development would project a corridor of minimal visual influence into the National Landscape (formerly AONB), together with an area of low visual influence into elevated parts of the AHLV, to the south-west of the site. The Kent Downs National Landscape Unit agrees that views to the proposed solar array from the National Landscape would be limited.

7.3.11. The LVIA concludes that the proposed solar farm would have a moderate adverse effect on landscape character, which would be limited to the site and its immediate surrounds. This is stated to reduce to a minor adverse effect following

establishment and maturation of the mitigation planting. The LVIA also concludes that there would be no material effect on the wider landscape character and no significant landscape impacts at a national, county, or district level.

7.3.12. In terms of impacts on views and visual amenity, the LVIA concludes a moderate to major adverse effect limited to the western parcel, where the PRoW passes through the site, and to dwellings that adjoin or immediately overlook the site.

7.3.13. The LVIA has been reviewed by an independent LVIA Consultant on behalf of the Council (Peter Radmall Associates – PRA). PRA's first review advised that the LVIA is largely consistent with best practice as set out in GLVIA3; however, queries were identified in relation to the following:

- The reliability of the visual material (by Realm), and especially the technical basis and status of the modelled visualisations;
- The definition of landscape receptors and their sensitivity;
- The selection of assessment views and receptor sensitivity; and
- Variations in the predicted effects reflecting the above.

7.3.14. As a result, PRA advised that the Council should not necessarily take all the conclusions of the LVA at face value, without considering the points raised in his review. In particular, PRA raises concern that the nature of landscape and visual assessment is such that seemingly marginal changes in sensitivity or magnitude can be amplified to produce different outcomes.

7.3.15. Following discussions with the applicant, a technical review of the visual material was subsequently carried out by an independent consultant, MSenvision (August 2024), which identified a series of "important errors and omissions...which need to be rectified". Realm (the applicant's consultant) provided a rebuttal to this review; however MSenvision and Realm were not able to come to agreement on the issues raised. As a result, PRA continue to raise concern about the reliability of the visual material and the consequence this has on the conclusions made on the visual effects of the proposal in the LVIA. PRA also advised that their concerns regarding the landscape receptors and their sensitivity, and landscape effects were not addressed.

7.3.16. Whilst the LVIA indicates that there would be some adverse landscape and visual effects, the submitted information puts into question whether there is greater landscape and visual impact than that suggested in the LVIA, including the impacts on protected landscapes. The PRA review does not provide alternative results of the effects from the proposal, except that there is a potential for the effects on the fields and the overall site to be major (rather than moderate) at Day 1. Although there is no objection raised to this effect reducing by year 15, which may be higher than 'Minor' given the higher starting point advised by PRA. PRA also sets out an alternative analysis of the visual receptor sensitivities, which are generally higher than those set out within the LVIA.

- 7.3.17. Officers also note that Red Kite (on behalf of the local Parish Councils as part of their objection to the application) have provided an alternative assessment of the landscape and visual effects.
- 7.3.18. The Stantec letter dated 06 February 2025 and submitted as part of the application sets out a comparison of the predicted landscape effects in Table 1.1 and a comparison of the predicted visual effects in Table 1.2 covering the results in the submitted LVIA, the alternative results in the Red Kite assessment and PRA's advice.
- 7.3.19. Officers acknowledge the differing perspectives between the consultants. This matter was not fully resolved and due to the limited progress in addressing the outstanding issues it was concluded that there was little merit in continuing the discussions with the applicant. It is noted that the outstanding issues are largely a difference of professional opinion and would be unlikely to vastly change the conclusions of the LVIA, which identifies several areas of impacts. Based on the PRA advice, it is possible that in some instances those impacts are greater than stated in the LVIA. Taking a cautious approach to this matter, officers consider that the effects from the proposal are possibly higher than those set out in the applicant's LVIA, however this is likely to be only by a small degree higher and would not result in effects having a significant adverse impact once the proposed vegetation screening has matured enough to mitigate the impacts by year 15.
- 7.3.20. Officers note the concerns raised by Red Kite regarding the effect on the Rodmersham and Milstead Dry Valley AHLV, which adjoins parts of the site. The LVIA states that the landscape effects of the proposal would be minor during construction and negligible during operation (both at year 1 and year 15). Viewpoint 1 is taken at the junction of Slough Rd, Rawling St and Cheney Hill close to the boundary of the site at its most westerly point, which sits on the boundary of the AHLV. Given the opening created by the junction, and the elevated topography of the field behind the viewpoint, which is within the AHLV, the proposal would be highly visible within this part of the AHLV. The viewpoint demonstrates the change in character created by the proposal, which officers agree would not be negligible; but the effect would only raise to minor adverse at year 1 and year 15.
- 7.3.21. Officers conclude that the proposal would have a minor adverse impact on the setting of the Rodmersham and Milstead Dry Valley AHLV. It would also have an adverse impact on the landscape character of the site, which is a non-designated landscape and ranges from major adverse during construction and early stages of the operational phase, reducing to minor adverse by year 15 with the maturing of the proposed mitigating vegetation screening. The proposal would also have an adverse impact on the landscape character of the surrounding non-designated landscapes ranging from minor to moderate adverse during construction and the early stages of operation reducing to minor by year 15.

- 7.3.22. The LVIA Addendum provides an assessment of potential cumulative impacts at section 10.2. In line with the GLVIA3 it includes development proposals that have applications submitted but are not yet decided, including the Highsted South proposal (ref: 21/503914/EIOUT), which at the time of writing is still being heard at a public inquiry. Paragraphs 10.2.9-13 of the LVIA Addendum specifically deal with Highsted and concludes there would be little if any intervisibility and therefore no significant cumulative effect. Whilst PRA note that this has not been verified through cumulative visualisations, officers agree with PRA that the conclusions within the LVIA Addendum are reasonable and therefore accepted.
- 7.3.23. The Kent Downs National Landscape Unit (KDNLU) advise that they consider the site to be within the setting of the Kent Downs National Landscape (KDNL) area. The National Landscape boundary in this location is formed by the M2, which cuts through the landscape. However, KDNLU contend that the landscape character of the application site is consistent with the adjacent Kent Downs landscape character and the application site shares many of the KDNL recognised special characteristics and qualities. The KDNLU agree views to the site from the KDNL are limited, and acknowledge that the proposal would retain and supplement the existing field boundaries, which would visually screen the development. However, they advise the proposal would nevertheless change the character of the landscape and would detract from the distinctive topography and rural nature of the site. As such, mitigation screening would not address their concerns and they consider the proposal would be harmful to the setting of the KDNL.
- 7.3.24. Officers agree with the KDNLU advice, noting that this is not caused by a visual link between the site and KDNL but due to a connection created by similarities in landscape character. Furthermore, the distance between the site and KDNL, the physical barrier created by the M2, and the relative scale of the proposal in the context of the National Landscape area are also mitigating factors to this harm. As such, officers consider that the proposal would only have a minor degree of harm to the setting of the KDNL.
- 7.3.25. The proposal would also result in adverse impacts on the identified visual receptors and the effects vary depending on their nature, relative location to the site and the phase of development. The effects to most visual receptors during the construction phase are generally moderate to major adverse, which is to be expected but relatively short lived. The effects on the closest residential receptors with direct views over the site see moderate to major adverse effects in the early stages of operation, which only reduces marginally to moderate adverse by year 15. Residential receptors further away would experience minor adverse effects, which only marginally reduces by year 15 given the proposed vegetation screening has limited effect at longer range views.

- 7.3.26. Vehicular road users in the area, which includes roads designated as rural lanes (Pitstock Road, Slough Road, Cheney Hill, Bottles Lane and Green Lane), would also experience minor adverse effects reducing to minor or negligible by year 15. However, officers agree to consider the effects on non-vehicle users, particularly on Bottles Lane, during the early operational phase to experience a moderate adverse effect. Although, it is acknowledged that the effects on non-vehicle users reduce in most cases to minor at worst by year 15.
- 7.3.27. The impacts on the PROW are discussed in section 7.4 of this report.
- 7.3.28. Overall, officers conclude that the proposal would be harmful to the character and visual amenity of the landscape on site and surrounding area, including rural lanes, as set out above. Furthermore, the proposal would harm the setting of the KDNL and Rodmersham and Milstead Dry Valley AHLV. Whilst their status varies, they are all valued landscapes and the proposal is unable to ensure their protection and enhancement during its lifetime. As such, the proposal conflicts with Local Plan Policies DM24 and DM26. It follows that the proposal conflicts with the purpose of conserving and enhancing the natural beauty of the National Landscape.
- 7.3.29. Officers acknowledge that the proposal has been amended during the application to reduce its impact, and the proposed vegetation screening would be effective in mitigating the majority of the adverse effects to a degree. It is also acknowledged that the proposal would not result in residual widespread major adverse landscape or visual effects by year 15 and therefore does not constitute as having a significant adverse impact. Furthermore, the application proposes a temporary permission for 40 years, which is a considerable length of time, but would nevertheless be a defined period at the end of which the installations would be decommissioned and the land rehabilitated back to a state suitable for agricultural purposes. The decommissioning and rehabilitation is recommended to be secured by condition.
- 7.3.30. Where there is conflict with the purposes stated in the statutory duty under section 85(A1) of the Countryside and Rights of Way Act 2000, as advised above, the decision maker should go on to consider whether planning permission may justifiably be granted. Paragraph 189 of the NPPF reflects the statutory duty insofar as it relates to the effects of development proposals on protected landscapes and scenic beauty and provides the ability for a decision maker to apply a suitable amount of weight to this matter when determining proposals that either accord or conflict with the statutory duty. This is discussed further with the overall planning balance in section 7.18 of this report.
- 7.3.31. Concern was raised by Rodmersham Parish Council that the Landscape & Setting of the Kent Downs National Landscape was not included in the EIA screening report. However, the EIA screening report and officer report identified

the proximity of the Kent Downs National Landscape (KDNL). The KDNL Unit confirmed that there would be no visual connection between the proposal and the KDNL and there is no evidence that the revised scheme demonstrably increases visual harm. The harm identified by the KDNL Unit relates to its setting only due to the similarities in landscape character, however this is a minor degree of harm and would not have changed the previous position on whether an EIA is required. The matter of EIA Screening is discussed further in section 3 of this report.

#### **7.4. Heritage**

- 7.4.1. 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.
- 7.4.2. 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.
- 7.4.3. 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.
- 7.4.4. Local Plan Policy CP8 states that development will sustain and enhance the significance of designated and non-designated heritage assets to sustain the historic environment whilst creating for all areas a sense of place and special identity. Local Plan Policy DM32 sets out that development proposals affecting a listed building, including its setting, will be permitted provided that the building's special architectural or historic interest, and its setting and any features of special architectural or historic interest which it possesses, are preserved. Policy DM33 of the Local Plan seeks development within, affecting the setting of, or views into and out of a conservation area, to preserve or enhance all features that contribute positively to the area's special character or appearance.
- 7.4.5. The application site is not within or adjoining a World Heritage Site or Conservation Area. The Rodmersham Green Conservation Area is located to the north-west of the site, however the proposal was not found to impact on the setting of the Conservation Area by the Council's heritage advisor. The proposal

does not contain any listed and locally listed buildings, however it does adjoin a grade II listed building. This is the only heritage asset adjacent to the site.

- 7.4.6. The application proposals are supported by a Historic Environment Desk Based Assessment (HEDBA) provided by Stantec. The HEDBA identifies a large number of heritage assets (designated and non-designated) within the 1km study area of the proposed solar farm site but discounts the majority of these as being too far away and/or visually separated from the proposed development by reason of intervening development, tree cover and/or hedgerow, and /or due to the varied topography of the landform in and around the application site. For the avoidance of any doubt, the proposed development would not result in direct impact on any heritage assets (designated or non-designated).
- 7.4.7. The HEDBA scopes into the assessment 7 heritage assets as potentially having their wider settings materially affected by the proposed development scheme, these being:
- Dungate House – List Entry ID 1343919 - Grade II
  - Barn at Dungate – List Entry ID 1120916 - Grade II
  - The Forge – List Entry ID 1343954 – Grade II
  - Newbury Farmhouse North – List Entry ID 1069267 – Grade II\*
  - Pitstock Farm – HER Ref. MKE85380 - Non-designated
  - Penfield House – HER Ref. MKE85382 - Non-designated
  - Pinks Farm (Pinks Cottage) – HER Ref. MKE85381 - Non-designated
- 7.4.8. In respect of the 7 heritage assets scoped into the assessment, the HEDBA identified that all the impacts would fall within the category of 'Less Than Substantial Harm' (LTS). It further suggests that on the scale or spectrum of this category of harm, it would be towards the low end in each case.
- 7.4.9. SBC Heritage agrees with the 7 heritage assets scoped into the HEDBA, which would be indirectly impacted by the development proposal (through a change to their respective wider setting). SBC Heritage also agrees with the assessment of harm based on a combination of the specific character/form of the heritage assets in question (informing its level of heritage significance), the current setting and the anticipated visual change to the setting.
- 7.4.10. It was identified late in the application process that the applicant's HEDBA scoped out the Grade I listed St. Nicholas Church, which is approx. 930m to the north east of the site. This matter was put before the SBC Heritage team, who disagrees with scoping out this listed building and, as such, further assessment has been undertaken. As a result, SBC Heritage considers that the proposal sits within the setting of the listed church, which derives its setting from the surrounding agrarian landscape. Furthermore, given the proposed solar farm would replace the existing agricultural land, it would therefore have an adverse effect on this setting, albeit this would be at the very low end of the scale of less than substantial harm due to the distance and limited intervisibility. In providing



this advice, SBC Heritage reflected on the evidence provided by Ms C Sones (the Council's Built Heritage witness) in the ongoing Public Inquiry for Highsted Park South (ref: 21/503914/EIOUT). Her evidence (document number 38.3.2) on page 101 describes the listed church as follows:

*The significance of the listed building derives primarily from its age and architectural interest as a medieval parish church of great aesthetic merit. The church tower is an important landmark in the landscape enhanced by the higher ground on which the building is located. This enables identification of the church and its related settlement in views across the surrounding agrarian landscape comprising fields and orchards.*

- 7.4.11. The Heritage Technical Note (July 2025) provides the applicant's justification for scoping out the listed church, which disputes the points made in Ms Sone's evidence. The Technical Note alleges at para. 3.6 that the *"views towards the church are relatively limited and the tower does not appear as a 'landmark' feature within the landscape"*. The technical note further alleges at para. 3.6 that there is no functional or associative relationship between the site and the church. The Note states that *"The setting of the church is defined initially by its enclosed churchyard which as a result of the mature planting means that the churchyard is very private and secluded in character"* and that *"the agricultural landscape surrounding the building makes little, if any contribution to the appreciation of the church"*.
- 7.4.12. Officers disagree with these statements given that officers have observed numerous locations within publicly accessible areas in and adjoining the agricultural fields surrounding Rodmersham where the church is visible (particularly its tower), which demonstrates it to be a landmark feature of Rodmersham. The very purpose of a church tower is to be visible from the surrounding area and this church tower continues to rise well above the canopy of the trees surrounding the church courtyard. As such, it can be easily demonstrated that it continues to be well visible from the surrounding agrarian landscape as stated in Ms Sone's evidence. Officers note that the applicant has not offered any visual evidence of their own to support their statement.
- 7.4.13. Officers have also observed taller trees further to the south of St Nicholas Church within the grounds of Rodmersham House (south of Muddy Lane). It is acknowledged that these trees provide a degree of screening between the listed church and the application site, which reduces the level of impact as stated by SBC Heritage above. However, the screening provided by these trees is limited and therefore officers disagree with the conclusion of the Heritage Technical Note (July 2025) that the *"agricultural landscape surrounding the building makes little, if any contribution to the appreciation of the church"*.
- 7.4.14. Historic England were consulted on the application and advised that they will not be engaging as the case does not meet their engagement threshold. The

assessment of harm is therefore based on the harm identified by the SBC Heritage as being a very low degree of less-than-substantial harm to the setting of the grade I listed St Nicholas Church.

- 7.4.15. Objections were also raised in the consultation response from Rodmersham Parish Council with regard to potential harmful effects on the Rodmersham Church Street Conservation Area. The proposed development is located approx. 900m south of the boundary of the Conservation Area. It is considered that due to the development type, significant separation distance, intervening topography, planting and existing development there would be no intervisibility other than the St Nicholas Church tower. However, the setting of the grade I listed church is different given its particular prominence and significance. As such, the proposal would not be read within the setting of the conservation area or have a harmful impact on its significance as a heritage asset.
- 7.4.16. An objection also raised concerns that the construction traffic from the proposal would lead to harmful impacts on nearby heritage assets. However, the Transport Assessment indicates that construction traffic would be relatively limited and would only last for a period of approximately 6 months. It would also be controlled by condition for a Construction Transport Management Plan. The Conservation Officer has confirmed that it would not lead to any adverse heritage impacts.
- 7.4.17. Officers note that no specific mitigation is proposed to address the setting harm to listed buildings from the proposal, but that mitigation measures are proposed more generally to limit the visual impact of the proposed development, most notably through site boundary planting. This would assist in limiting the harm and it is understood that this is factored into the harm assessment set out in the HEDBA.
- 7.4.18. However, SBC Heritage consider more could be done to further reduce the level of identified harm, although this would come at the expense of the amount of energy the site could generate. Examples of how harm might be reduced would be limiting the height of the solar panel arrays, cutting back the footprint of the arrays where it comes close to the heritage assets in question and/or providing tree screening on the edges of the application site where these are adjacent to the heritage assets. In response to this, the applicant revised the proposal by reducing the height of the solar panels.
- 7.4.19. SBC Heritage acknowledged that the reduction in height will lessen the heritage impacts to an extent, however it does not fully remove the impact. The applicant contends that the impacts to heritage assets would be reduced more significantly from the proposed mitigation, and suggests the harm to the setting of the Barn at Dungate, The Forge, and Newbury Farm House would be removed entirely. However, officers agree with SBC Heritage and consider the identified harm to the 8 heritage assets remains, but note that, for the 5 designated heritage assets (the 5 listed buildings), this is at the very lower end of the scale of less than

substantial harm, and for the non-designated heritage assets, at the very lower end of harm.

7.4.20. The identified harm to the setting of the 5 listed buildings, albeit very minor, results in the proposed development conflicting with Policy DM32 of the Local Plan. The identified harm to the setting of the 3 non-designated heritage assets along with the harm to the setting of the listed buildings also results in conflict with Policy CP8 of the Local Plan. Development plan policies relating to heritage matters do not include, within the policies themselves, the application of the balancing exercises set out in the NPPF.

7.4.21. In consideration of the NPPF, harm to heritage significance should be balanced with due regard to the public benefits of the proposals. Paragraph 168(a) of the NPPF states that local planning authorities should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. As such, the public benefit from the proposed solar farm should be given significant weight in the heritage balance. The proposal would also generate employment including construction jobs, as well as solar farm maintenance jobs, and Paragraph 85 of the NPPF advises that significant weight should be placed on the benefit a scheme offers in supporting economic growth and productivity. Biodiversity Net Gains within the site would be 84.69% for habitats and 87.79% for hedgerow units, which is a significant uplift in biodiversity value. In accordance with the NPPF, Local Plan policies and recent appeal decisions, significant weight is also attached to this benefit.

7.4.22. 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 the 5 listed buildings identified above. However, in this case the benefits are considerable and clearly outweigh the low degree of less than substantial harm.

## **7.5. Public Rights of Way**

7.5.1. NPPF paragraph 105 seeks to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails. This is reinforced through the Local Plan under Policies CP4 and CP7.

7.5.2. PROW (ZR212) passes through the site, linking Pitstock Farm with Rodmersham Green to the north. Two PROWs (ZR214 & ZR215) terminate at Bottles Lane to the west of the site, and users may have views towards the site upon reaching Bottles Lane. To the north, ZR199 links Rodmersham with Scuttlington Manor then onwards to Lynsted via the wider footpath network. To the east of the site, PROW ZR204 terminates at Dully Road and views towards the site may be available from this location. There are a number of PROW to south of the site,

within the Kent Downs National Landscape, typically passing through or leading to Mintching Wood and Kingsdown Wood.

- 7.5.3. It is proposed to retain the PROW that crosses the site on its mapped alignment. The proposed perimeter fencing which surrounds the proposal would run alongside the PROW to allow continued access throughout the operation of the solar farm. The fencing would also be lined with inward-facing CCTV cameras to ensure the safety and security of the panels while not compromising the privacy of users of the footpath. It is also proposed to manage the construction to minimise impacts on footpaths to allow continued public access.
- 7.5.4. The KCC Public Rights of Way officer has reviewed the application. Following initial concerns raised, the applicant prepared a response to the points with a revised plan to address the concerns raised. This included correcting the alignment of the PROW on the plans, which are now confirmed to be correct.
- 7.5.5. Other concerns raised included the significant impact on the rural highway network during the construction phase giving rise to conflict with non-motorist users (NMU), which requires greater measures to ensure safety. The applicant responded to this advising that a comprehensive set of traffic management measures are proposed be set out in the final version of the CTMP to be agreed with KCC Highways. Outline measures are already provided in the submitted version, which KCC Highways have reviewed and raised no objections. A commitment is also made to schedule HGV deliveries outside of peak hours. In this context, it will be relevant for both the KCC PROW and KCC Highways teams to be consulted in relation to the final version of the CTMP, the submission of which will be required by condition.
- 7.5.6. The PROW officer also requested further detail regarding the decommissioning and the future environment of the PROW. However, the Decommissioning and Restoration Plan is recommended to be secured by condition, which would include measures related to ZR212 and the PROW officer would be consulted on the CTMP for the decommissioning phase. The PROW officer's final response acknowledges this and raised no further objection in this regard.
- 7.5.7. Concern was also raised that there would be significant impact on the PROW network regarding Landscape and Visual Impact without appropriate mitigation proposed. The LVIA concludes that the impacts to users of the PROW ZR212 range from minor adverse to major adverse depending on the viewpoint during all stages of its life, with some minor effects reducing to negligible at the 15yr stage. The impacts on users of other PROWs were stated to be negligible to minor. As discussed in section 7.2 of this report, the visual impacts could be slightly higher than those stated in the LVIA.
- 7.5.8. The LVIA addendum notes that revisions to the proposal in October 2024 sought to improve the environment of the PROW ZR212. This included:

- A reduction in maximum panel height from 3.4m to 3m,
- Removal of panels immediately to the west of PRoW ZR212 in the vicinity of Pitstock Farm to reduce the corridor effect for users of the footpath,
- The relocation of the service route through the western parcel to move the route further away from PRoW ZR212, The changes to the service route also allow for the relocation of 3no. transformers further from PRoW ZR212, and
- Minor changes to the security fencing within the western parcel to allow for the changes described above.

7.5.9. Further clarification was also provided in February 2025, highlighting the proposal retains at least an 18m wide corridor between the panels across the PRoW route. Officers acknowledge the visual impact on the PRoW network is localised to the site and its immediate context, with medium and long range views limited by topography, existing vegetation and built form. The PROW officer's final response advises that this matter is resolved and has lifted their objection to the proposal in this regard.

7.5.10. The impact on the PROW Network should be seen from two overarching perspectives: that of continued access and connectivity across both the development site and the wider area, and that of the impact on user amenity and enjoyment of the existing open countryside, the Landscape and Visual criteria. The proposal maintains continued access and connectivity of the PROW routes through the site; however there is a residual adverse impact on the open countryside, landscape and rural character of the area as perceived from the PROW route ZR212.

7.5.11. The PROW officer advised that a contribution of £40,000 would be sought towards improvements to the ZR212, ZR215, ZU39 and ZU40, which is required to offset the impacts caused to the PROW network from the proposed development. This contribution has been agreed by the applicant in the s106 heads of terms and therefore will be secured by legal agreement.

7.5.12. Whilst the proposal would have an adverse impact on the PROW network as a result of the proposed development, this would be localised to PROW route ZR212 within the site and immediate surrounding area. Furthermore, the impact would be temporary and a condition is recommended to protect and retain the PROW route through the decommissioning phase. It is acknowledged that the 40-year period proposed is a significant amount of time, it is nevertheless a temporary impact. Furthermore, the application secures a financial contribution towards the PROW network, which would offset the impacts caused to the PROW network. Overall, it is considered that the proposal does not conflict with paragraph 105 of the NPPF and Policies CP4 and CP7 of the Local Plan.

## 7.6. Transport and Highways

7.6.1. 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. Policy DM26 also seeks to protect the character of rural lanes and applies to Pitstock Road, Slough Road, Cheney Hill, Bottles Lane and Green Lane.

7.6.2. 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 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, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

7.6.3. The application is supported by a Transport Assessment, which has been reviewed by KCC Highways and National Highways. National Highways have raised no objections to the application. KCC Highways note that the predicted movements associated with the day-to-day operations of a solar farm are low, however particular attention needs to be paid to how the construction phase of the proposed development will be managed.

7.6.4. The Construction Traffic Management Plan (CTMP) submitted with the application includes details of vehicle routing to and from site, wheel washing facilities, temporary signage and timing of deliveries; however further information was requested including a site plan showing the location of the parking and turning areas for construction and delivery vehicles and site personnel and wheel washing facilities. Additional information was provided relating to the construction phase of the proposed development, which was confirmed to be acceptable by KCC Highways, who raise no further objections subject to the conditions set out in para. 5.18 of this report.

7.6.5. Officers note that objections to the application raise concerns in regard to the impact of the construction of the proposed development on the local road network, in particular regarding heavy goods vehicles (HGVs) impacting highway safety.

7.6.6. The applicant has provided a technical note setting out their response to these concerns, highlighting that *“Based on an average of six deliveries HGV deliveries per day, there will be, on average, less than one HGV arriving and departing the Site per hour”*. Officers note that there could be a two-to-three-week period near to the beginning of the construction period where this would include up to two HGVs per hour. There could be 20 car arrivals and car departures outside of the

peak hours; and up to 3 minibus arrivals and departures outside of the peak hours associated with construction worker trips.

7.6.7. Officers are also aware that the roads connecting to the site include rural roads with narrower sections, particularly Panteny Lane, Church Street and Green Lane (the latter two of which are designated as rural lanes). However, existing agricultural vehicles and HGVs use these roads and there are areas where vehicles can pass. Notwithstanding that, drivers associated with construction activities will need to be briefed on safety measures to prevent conflicts with other road users including pedestrians. This could be secured within the CTMP.

7.6.8. Officers consider that, overall, the construction would not lead to an unreasonable amount of additional traffic or an unacceptable impact on highways safety, which would be for a temporary period of approximately 6 months and could be managed through appropriate controls secured by condition. In addition to this, it is considered that the additional amount of traffic would not lead to an unacceptable impact on the character of the designated rural lanes.

7.6.9. 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 Policies DM6 and DM26 of the Local Plan and the NPPF.

7.6.10. The impact of glint on users of the strategic network is considered in the Glint section below.

## **7.7. Glint and Glare**

7.7.1. A Solar Photovoltaic Glint and Glare Study (GGS) has been submitted to show the potential effects from the proposed development. Glint and glare are often used interchangeably but are defined in the submitted report as follows:

- Glint – a momentary flash of bright light typically received by moving receptors or from moving reflectors
- Glare – a continuous source of bright light typically received by static receptors or from large reflective surfaces.

7.7.2. The GGS assessed the potential effects on aviation activity, road safety and residential amenity for nearby properties.

### Aviation Activity

7.7.3. The GGS identified two airfields within the vicinity of the site. New Orchard Farm Airfield is approximately 580m east of the proposed development, and Frinsted Airfield is approximately 4.6km southwest from the closest part of the proposed development. Both airfields are general aviation (GA) airfields where aviation

activity is dynamic and does not necessarily follow the typical approaches / flight paths of a larger licensed aerodrome or airport. Therefore, the GGS focussed its assessment on the most frequently flown flight paths and the most critical stages of flight, including the runway approach path.

- 7.7.4. The GGS concludes that solar glare is geometrically possible towards the New Orchard Farm Airfield runway approach path and sections of the visual circuits and occur within a pilot's primary field-of view. However, the instances of glare are judged to be operationally accommodatable due to sufficient mitigating factors, and an overall low impact predicted. Mitigation is therefore not recommended.
- 7.7.5. The GGS also concludes that solar glare is geometrically possible towards sections of the runway visual circuits for the Frinsted Airfield. However, the glare intensities are considered acceptable in accordance with the associated guidance (Appendix D) and industry best practice. A low impact is predicted, and mitigation is not required.
- 7.7.6. NATS have reviewed the application and advised that they have no objections. As such, officers conclude that the proposal would not have an unacceptable impact on aviation users from glint and glare.

#### Roads

- 7.7.7. The site is located approximately 750m north of the M2. A 2.3km section of the M2 has been identified within the GGS assessment area with potential views of the panel area. The GGS identified that existing vegetation screening would significantly obstruct views of reflecting panels, such that solar reflections will not be experienced by road users. An updated GGS, which included further reference to seasonal analysis, was also provided and also concluded that there would be no impact on road users and therefore mitigation is not required.
- 7.7.8. National Highways have reviewed the application and advised that they have no objections. As such, officers conclude that the proposal would not have an unacceptable impact on road users from glint and glare.

#### Nearby Residential properties

- 7.7.9. Figure 11 of the GGS provides an overview of all dwelling receptors identified in the Study. In response to concerns raised by officers, the GGS was revised to clarify the residential properties included in the Study, highlighting that representative receptors are sometimes used for multiple properties with similar characteristics. In these instances, the presented modelling results cover the properties included within the receptor point. Appendix G of the report includes a table titled 'Dwelling Address Data' (pages 97-101 of the Glint and Glare report) providing a breakdown of receptors and their corresponding addresses. Pinks



Farm cottage was also added to the Study at the request of officers due to its relative location adjoining the proposed development.

- 7.7.10. Table 5 of the GGS sets out the assessment of glint and glare impacts on the identified dwelling receptors, which consists of 68 dwelling receptor points covering 85 addresses. The Study concludes that for 48 dwelling receptors (63 addresses), screening in the form of existing vegetation and/or intervening terrain is predicted to significantly obstruct views of reflecting panels, such that solar reflections will not be experienced in practice. No impact is predicted for these 48 dwelling receptors, and mitigation is not required. A further 7 address points are not assessed further in the Study as solar reflections are not geometrically possible.
- 7.7.11. The GGS indicates that there would be a low impact for the remaining 13 dwelling receptors (22 addresses). It identifies in each case that existing and proposed vegetation screening are predicted to obstruct views of reflecting panels, with marginal views of reflecting panels considered possible from above ground floor levels. In addition, mitigating factors such as the separation distances and effects coinciding with the Sun are considered sufficient to reduce the level of impact. As such, additional mitigation is not recommended by the GGS.
- 7.7.12. Officers note that in some instances the reliance on vegetation screening may require a number of years for the vegetation to grow to be of suitable size to provide effective screening. In particular, receptors 60, 61, and 62 are most reliant on the proposed vegetation for effective screening and officers raised concerns about this with the applicant. In response to these concerns, the applicant investigated the matter further and confirmed that additional mitigation would be needed at 2.0m in height above existing ground level to mitigate residents from glare impacts. An updated the landscape strategy was provided which includes a 2.0m-high hedgerow around dwelling receptors 60, 61, and 62. This will be planted at its full height from the outset to provide immediate screening for glint and glare purposes, avoiding the delay associated with the maturation of smaller vegetation.
- 7.7.13. Given that the impacts are 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 recommended to be secured by condition as part of an overall Landscape Scheme, it is considered that the proposal would not have an unacceptable impact on the residents of the identified properties from glint and glare in accordance with Policy DM14 of the Local Plan and the NPPF.
- 7.7.14. Officers note that concerns were raised by the Rodmersham Parish Council that glare impacts on neighbouring properties have not been properly mitigated due to ineffective screening measures and properties missing in the assessment. The Glint and Glare Report has been updated several times at officer's request to

address concerns raised by officers and objectors. As described above, the most recent report clarifies that receptor points cover multiple residences in several occasions where the context and nature of the properties in relation to the site would lead to similar or the same effects. A table is included within the GGS report to show which properties are covered by the respective receptor points, which is discussed in detail in the paragraphs above. Pinks farm has also been included at officer's request. As discussed above, the landscaping proposal has also been revised at officer's request to plant mature vegetation screening to ensure there is sufficient mitigation to the adjoining affected properties from the outset.

## **7.8. Trees**

- 7.8.1. The NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside. The Local Plan requirement is recognised through Policy DM29 of the Local Plan.
- 7.8.2. The application is supported by an Arboricultural Impact Assessment, which identifies that vast majority of the site's trees are desirable for retention being of moderate quality (category B), with 2 high-quality trees (category A) being located just outside of the site's redline boundary.
- 7.8.3. All mature trees are proposed to be retained and protected during construction. The internal access roads, positioning of PV modules, inverters, substation and associated equipment are remote from existing trees and their associated Root Protection Areas.
- 7.8.4. The Council's Tree Officer reviewed the application and advised that there are no objections subject to conditions securing the Arboricultural Method Statement and tree protection measures. The Tree Officer also advises that the proposed landscaping as shown on the LEMP is considered acceptable and should also be secured by way of a condition.
- 7.8.5. Subject to the inclusion of the recommended conditions the proposal would be acceptable in accordance with Local Plan Policy DM29 and the NPPF.

## **7.9. Ecology**

- 7.9.1. 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.
- 7.9.2. Section 40 of the Natural Environment and Rural Communities Act (2006) states *"For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England"* and *"A public authority which has any*

*functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective.”. Furthermore, paragraph 187 of the NPPF states that “the planning system should contribute to and enhance the natural environment by (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs”.*

- 7.9.3. NPPF paragraph 193(a) 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.”
- 7.9.4. National planning policy aims to conserve and enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments.
- 7.9.5. 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.
- 7.9.6. The application is supported by an Ecological Impact Assessment (EclA), Landscape and Ecological Management Plan (LEMP), Biodiversity Net Gain (BNG) – Design Stage Report and Outline Skylark Mitigation Strategy.
- 7.9.7. The initial consultation response from KCC EAS requested further information be submitted including the results of all further necessary surveys, skylark mitigation and a conclusion as to whether the development will achieve a net gain for biodiversity. Following receipt of further information, KCC EAS confirmed that they are satisfied that sufficient information has been submitted to adequately assess the impact on ecology.

#### Habitats

- 7.9.8. The proposals require the removal of the existing arable habitats, with boundary habitats largely retained and enhanced. KCC EAS advise that intensively farmed arable habitats are generally considered of relatively low ecological value (despite often having some value for breeding and wintering birds). There is expected to be a minor loss of hedgerow habitat at the site (~21m), with a larger length of hedgerow proposed to be planted than that proposed to be lost. A minimum 10m undeveloped buffer zone will be established between off-site woodland and proposed panels. A minimum 5m wide undeveloped buffer zone will be established between hedgerows and the panels.

- 7.9.9. Wildflower meadows are to be seeded within the site as part of proposals along with native woodland planting, scrub planting and the installation of bird boxes, bat boxes and log piles along the boundaries. KCC EAS advise that the proposed measures, effectively implemented, could result in a biodiversity net gain for the site.
- 7.9.10. Under the Environment Act 2021, all planning applications for major development submitted on or after 12th February 2024 in England will have to deliver at least a 10% biodiversity net gain. However, given this application was submitted prior to the new BNG requirement this does not apply to this application. Notwithstanding this, the BNG report indicates that the proposal achieves 84.69% BNG in habitat units and 87.79% gain in hedgerow units, which is a significant uplift in biodiversity value on site. The proposal achieves a net gain in biodiversity and therefore complies with the relevant policies and is a public benefit to afford weight to in the planning balance, which is discussed at the end of this report.
- 7.9.11. Concern was raised in objections that a Habitats Regulations Assessment (HRA) and Appropriate Assessment have not been carried out. However, the Local Planning Authority (LPA) have undertaken a HRA screening exercise as the competent authority and found no need for a HRA. Natural England have been consulted and they advise they will not comment on this application and refer us to their standard advice.
- 7.9.12. The application is supported by an Ecological Impact Assessment, which has been reviewed and accepted by KCC EAS and includes surveys of breeding birds and wintering birds. This assessment confirms that no species associated with Swale or Medway Estuary & Marshes SPA/ Ramsar sites were recorded. Furthermore, the assessment confirms that due to the distance from the site, and considering the absence of qualifying species identified on the site, no direct impacts on the Swale or Medway Estuary & Marshes SPA, SSSI or Ramsar are anticipated during construction or operation, either from disturbance or pollution. The Assessment concludes that, given the nature of the proposed development, no mitigation measures are required and there are no significant residual effects anticipated. As such, the exercise screened out the requirement for an Appropriate Assessment. KCC EAS have confirmed that they agree with the screening outcome.

#### Breeding Birds

- 7.9.13. KCC EAS advise that breeding birds such as grey partridge, and many birds found within the boundary habitats at the site, or a combination of the boundary habitats and the arable field, could benefit from the proposed development due to habitat creation opportunities and more sensitive management of retained habitat. A number of bird nesting boxes, which are targeted at species of conservation interest, are proposed to be installed.

- 7.9.14. The proposals will, however, result in the loss of 8 skylark breeding territories. Skylark is a species of bird listed under Section 41 of the Natural Environment and Rural Communities Act (2006) and local planning authorities are required to have regard for the conservation of Section 41 species as part of planning decisions under their biodiversity duty. Paragraph 84 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005 states that "...The potential effects of a development, on habitats or species listed as priorities... ..are capable of being a material consideration in the ... making of planning decisions".
- 7.9.15. The submitted EclA indicates that the loss of habitat for the majority of the birds at the site can be compensated for on-site. However, the EclA indicates that compensation measures for skylark will be required off-site. The Outline Skylark Mitigation Strategy sets out the process to identify and secure off-site mitigation, which is acceptable at this stage subject to the full details and required offsite mitigation being secured through a Grampian style planning obligation, which would need to be approved in consultation with KCC EAS to ensure that it is suitable. The mitigation strategy is to be secured by a Grampian condition and another condition to secure the monitoring reports, with a Unilateral Undertaking to be drafted to secure the mitigation off-site and monitoring fee. Subject to this, the impact on breeding birds is acceptable.
- 7.9.16. Officers noted that the Highsted South application (ref: 21/503914/EIOUT) identified parts of the Pitstock Farm site as a location for its offsite skylark mitigation. Essentially, this overlap has no bearing on this application for the proposed solar farm as the onus lies on the Highsted application to secure suitable skylark mitigation for its proposed development. If land it has previously identified is developed before it is properly secured for skylark mitigation then the Highsted developer will need to find other suitable land.

#### Wintering Birds

- 7.9.17. Based on survey information, the site is not considered to comprise functionally linked land for the Swale or Medway Estuary & Marshes SPA and Ramsar sites. Overall, habitat for wintering birds is expected to improve at the site with effective protection of retained habitats during site clearance/construction, and through the proposed habitat creation. The wintering species not expected to benefit could be accounted for within the offsite, skylark compensation strategy, secured by an appropriate planning obligation if planning permission is granted.

#### Badgers

- 7.9.18. The proposals involve the retention and protection of several active badger setts during construction. During construction, a minimum 30m undeveloped buffer zones are proposed from all identified active badger setts and KCC Ecology recommend that this be secured by condition through a detailed Construction Ecological Management Plan (CEcMP), which would need to be clearly shown on all relevant plans.

- 7.9.19. For badgers (and other land animals) to continue to be able to use the site the proposed security fencing will not be buried. This is so that badgers can readily squeeze or dig underneath to gain access to the site. This is recommended to be secured by condition.

#### Hazel Dormouse

- 7.9.20. Hazel dormice could be present on-site. As a small length of hedgerow is to be removed, precautionary working methods are proposed during site clearance / construction to avoid impacts to dormice and is recommended to be secured through a condition for a CEcMP. New woodland, hedgerow and scrub planting, and provision of nest boxes, may benefit the local dormouse population in the long-term. A sensitive lighting plan would protect these animals from the negative effects of artificial lighting and is also recommended to be secured by condition.

#### Bats

- 7.9.21. All mature trees within the site are proposed to be retained. KCC Ecology advise that the minor hedgerow losses are not expected to significantly affect foraging and commuting bat habitat and that bat roosting habitat is not expected to be adversely impacted. Invertebrate populations, which provide a food source for bats, would be expected to increase following the development.
- 7.9.22. Bat boxes are proposed to increase roosting habitat available. Effective implementation of the LEMP and a CEcMP secured by condition would be sufficient to protect bats. The wildlife sensitive lighting condition is also recommended to minimise the potential effects of artificial lighting on the boundary habitats with regards to bats and other nocturnal mammals.

#### Great Crested Newt and Reptiles

- 7.9.23. Great crested newt and reptiles could be present within boundary habitats at the site. However, as boundary habitats are to be largely protected with an undeveloped buffer zone, and as habitats within the buffer zone are proposed for enhancement, any impacts would be expected to be confined to the minor removal of hedgerow at the site. Precautionary working methods within a CEMP would be expected to be sufficient to manage the minor hedgerow removal expected and to avoid/mitigate for impacts to these animals.

#### Brown Hare and Hedgehogs

- 7.9.24. Proposals could result in harm to brown hare and hedgehogs during site clearance and construction, but in the long-term could benefit these species. These species would need to be included within the CEcMP, which is recommended to be secured by condition.

#### Construction

- 7.9.25. KCC EAS advise that a CEcMP – biodiversity should be secured by condition to mitigate impacts to biodiversity and help ensure compliance with relevant legislation. The suggested wording is recommended to be incorporated into the

standard wording for a Construction Environmental Management Plan (CEMP), which covers other impacts from construction, such as pollution control, noise, and lighting.

### Conclusion

- 7.9.26. Subject to the recommended conditions, the proposal would have an acceptable impact on ecology and biodiversity in accordance with Policies CP7 and DM28 of the Local Plan and 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 geophysical survey was submitted with the application, which was reviewed by KCC Archaeology who advised that further information was required including an evaluation report to be provided following trial trenches. An evaluation report, technical note and mitigation plan were subsequently provided, which advises that Archaeological features were identified in each trench, including linear features, pits and possible furnace related features. Pottery dated to the later Bronze Age / Iron Age period was also recovered.
- 7.10.4. The Heritage Technical Note (HTN) advises that the discovery of enclosures within both fields, along with associated features, evidence for metalworking and other artefactual material dating to the late Iron Age to early Roman period is of particular significance. With the exception of Rodmersham Roman villa (870m east from the Site), there are few discoveries of Iron Age and Roman date recorded in the wider area. The HTN further states that due to the nature of the development the requested archaeological fieldwork can be secured by an appropriately worded condition.
- 7.10.5. KCC Archaeology advised that they are satisfied with the additional information and recommends that physical preservation be secured by condition to avoid development groundworks through design measures within the defined Areas of Archaeological Sensitivity. KCC Archaeology are also satisfied with the proposed condition, which has been amended to also include specific reference to the already identified Areas of Archaeological Sensitivity as shown on the submitted plan to clarify that the details must include design measures in those specific

areas to ensure they are protected during construction, operation and decommissioning.

- 7.10.6. KCC Archaeology are satisfied that the potential impacts of the wider scheme can be appropriately addressed through further assessment, evaluation and design that can be secured through a condition. A condition for a staged programme of archaeological assessment, evaluation and mitigation is therefore recommended to secure the necessary mitigation required. Subject the recommended conditions, the proposal is in accordance with Policy DM34 of the Local Plan and the NPPF.
- 7.10.7. Concern was raised by Rodmersham Parish Council that new archaeological evidence was not considered in the original EIA screening. The EIA Screening report identified a low potential for features of archaeological importance and therefore did not rule this out completely. The evidence of some limited archaeological remains found during the application would not have changed the previous position on whether an EIA is required.

#### **7.11. Flood Risk, Drainage and Surface Water**

- 7.11.1. Policy DM21 of the Local Plan and the NPPF requires that Local Planning Authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed.
- 7.11.2. The site lies across three different groundwater source protection zones. A small part of the site along the western boundary lies within SPZ1 – ‘Inner protection zone’. The majority of the south-western part of the site falls into Groundwater Source Protection Zone SPZ2, corresponding to the ‘outer protection zone’. The north-eastern part of the site falls into SPZ3, corresponding to the ‘total catchment’. The EA have raised no objections to the development and offer information to be relayed to the applicant regarding their approach to groundwater protection.
- 7.11.3. The site falls within Flood Zone 1 with small pockets of surface water flooding, which are restricted to low points of gulleys. A Flood Risk Assessment was submitted with the application, which advises that the risk of flooding to the majority of the site is classified as ‘Low’. The proposal avoids development with the areas of surface water flood risk and therefore does not trigger the need for a sequential test.
- 7.11.4. KCC Flood and Water Management have reviewed the submitted Flood Risk Assessment and raise no objection. They note that the proposed solar farm will have little impact on the surface water flows across the site, with the solar panels being raised above the ground allowing flows beneath them and having minimal impact of the impermeable areas. Access tracks will also be made of permeable materials. It is proposed to maintain grassland around and underneath the solar



panel to reduce soil erosion and runoff rates as well creating 3-10m vegetated buffer strip between each row of solar panels and around margins. Interception swales at low points are also proposed, providing a volume of storage that exceeds the volume generated by the post development 100 (+CC) year event.

7.11.5. KCC Flood and Water Management advise that more information would be required as to the specific details of interception swales and buffer zones (locations, capacities etc.), and clarification on how the ancillary buildings will be drained. As such, KCC recommend that conditions securing these details, which could be included if the application were supported.

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. Policy ST1 of the Local Plan states that development proposals shall conserve and enhance the natural environment by applying national planning policy in respect of pollution, despoiled, degraded, derelict, contaminated, unstable and previously developed land. 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 Desk Study and Preliminary Risk Assessment (PRA) Report has been submitted with the application, which has been reviewed by Mid Kent Environmental Health (EH) who advise that the PRA shows there is low risk to future site users.

7.12.3. Whilst the site will see limited use once constructed, the proximity of former landfill to the northeast, and infilled ground to the southwest, the proposal poses some risk for the construction phase. The report also recommends further investigation for the land that the control box will occupy, as this area will see the most use. Mid Kent Environmental Health recommends conditions for additional investigation for this area, and the watching brief for the site as a whole, as the possibility for localised contamination cannot be discounted, especially for the areas mentioned above. As this site will not be residential in nature and will require a minimum level of personnel to function, Mid Kent Environment Health advises that these matters can be conditioned rather than provided during the application.

7.12.4. Subject to the imposition of the suggested condition, the proposal is in accordance with Policy ST1 of the Local Plan and 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. Due to the nature of the proposed development there would be limited activity during its operation and therefore is unlikely to result in adverse air quality impacts. Mid Kent Environmental Health advises that a Code of Construction Practice would be required to demonstrate the controls for dust and other construction-related activities to be implemented on site during the construction phase. This would be secured through a detailed Construction Method Statement (CMS), which could be secured by condition.
- 7.13.4. Therefore, subject to conditions to control construction activities, 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 Policy DM14 of the 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 and glare has been considered above. Views from individual private properties are not protected and the loss of a view from a private property is not a material planning consideration. 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, vibration and lighting. It is noted that an objection was raised regarding heat emissions from the proposed solar panels, however these are designed to absorb heat light energy, not to emit it.
- 7.14.3. The application is supported by a Noise Impact Assessment (NIA), which demonstrates that the operations of the Solar Array would be 5dB below measured background. Mid Kent Environmental Health have reviewed the NIA and raises no objection for this aspect. However, an assessment of Low-frequency noise (LFN) and construction phase impacts were requested to be provided.

- 7.14.4. A technical note on LFN (dated 13/02/2024) was subsequently provided. Mid Kent Environmental Health reviewed the note and advised that the transformers will be below the criterion curve of NANR45 and therefore a full assessment for LFN would not be required.
- 7.14.5. Mid Kent EP initially raised concern that there are no details for any external lighting to be used on site for either the construction or operational phases. The applicant clarified that the only circumstances in which any fixed lighting will be required during operation will be if the network operator specifies a requirement for lighting to be attached to the proposed substation. If required, this will comprise of one or two 60 W equivalent LED lamps, operated by PIR sensors, attached to the side of their building. This would only be used during rare out of hours maintenance visits and an internal switch would be fitted to override PIR circuitry. No other lighting is required / proposed anywhere else on the site.
- 7.14.6. During construction, whilst working hours are proposed to be limited to daytime hours only, some lighting may be required during the winter months, for safety reasons. Any lighting would be mobile, used only in the areas where works were taking place, and downward facing to avoid spill in accordance with best practise and relevant guidance.
- 7.14.7. Mid Kent EP advised that in response to the clarification provided lighting could be dealt with as a condition.
- 7.14.8. As noted above, a Code of Construction Practice would be required to demonstrate the controls for construction-related activities to be implemented on site during the construction phase, which would mitigate adverse noise impacts. This would be secured through a detailed Construction Method Statement (CMS), which could be secured by condition.
- 7.14.9. Subject to the inclusion of the recommended conditions, the proposal would be unlikely to result in unacceptable amenity impacts to nearby residents from noise, vibration, lighting, outlook, privacy or loss of light in accordance with Policy DM14 of the Local Plan and the NPPF. Officers have also considered the potential amenity impacts to livestock on neighbouring properties in response to the objection received on this matter and arrive at the same conclusion.

## **7.15. Designing Out Crime**

- 7.15.1. The NPPF aims to achieve healthy, inclusive and safe places, so that crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The Local Plan reinforces this requirement through Policy CP4.
- 7.15.2. The proposed layout includes a gated access point and fencing along all boundaries at a height of 2.0m. Fencing will comprise wire deer control fencing with wooden fence posts. The fencing will include mammal gates to allow for movement of small animals through the site. CCTV and infrared security systems

will be fixed onto a galvanised steel pole at a total height of 3m at regular 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.

7.15.3. The proposal does not pose an unacceptable crime risk in accordance with Policy CP4 of the Local Plan and the NPPF.

## 7.16. Community Infrastructure

7.16.1. 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

7.16.2. The following planning obligations are necessary to mitigate the impact of the development and make it acceptable in planning terms. The obligations have been identified and assessed by Officers to comply with the Regulations (as amended).

7.16.3. The following financial contributions have been sought by KCC PROW and KCC EAS to mitigate the impact of development.

Requirement	Obligation	Reason
PROW		
	<ul style="list-style-type: none"> <li>• £40,000 - contribution towards improvements to the PROW routes ZR212, ZR215, ZU39 and ZU40</li> </ul>	To offset the impacts to the PROW network from the proposed development.
Ecology		
	<ul style="list-style-type: none"> <li>• Secure the implementation of offsite Skylark Mitigation and Compensation Strategy</li> <li>• £1020 - Skylark post-completion monitoring fee paid on approval of the Skylark Mitigation and Compensation Strategy.</li> </ul>	To compensate for the loss of skylark habitat on site.

7.16.4. Subject to the above planning obligations being secured in a legal agreement associated with any planning permission, the proposals would mitigate impacts

and make the development acceptable in planning terms and comply with Local Plan Policies DM6 and DM28 and the NPPF.

### **7.17. Decommissioning**

- 7.17.1. Policy DM20 of the Local Plan states that in cases of temporary planning permission, detailed proposals for the restoration of the site at the end of its functional life should be set out as a part of any application.
- 7.17.2. The development would have a lifespan of 40 years. The submitted details indicate that 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 could then be reverted back to agricultural use.
- 7.17.3. Details of the decommissioning phase are set out within the Design and Access Statement, and Agricultural Considerations statement. The details indicate that the objective is to remove panels and restore all fixed infrastructure areas to return the land to the same ALC grade and condition as it was when the construction phase commenced. In order to secure the suitable restoration of the land a detailed Decommissioning Plan is recommended to be secured by condition.
- 7.17.4. The applicant advises that the only element that may need to be retained is the DNO substation and the fence surrounding it. However, UKPN (as a utility provider) have their own permitted development rights, and whilst the DNO works are included on the plans for clarity and transparency, they don't require consent as they can be delivered under permitted development rights. UKPN will deliver the DNO substation and associated 33kV point of connection themselves after the implementation of the development. Therefore, the utility provider may seek to retain this development as part of their network following the decommissioning of the solar farm. Hence it was not included within the detail of the application.

### **7.18. Planning Balance – Benefits and Harm**

- 7.18.1. 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. Under s70(2) of the Town and Country Planning Act 1990, the decision-maker needs to have regard to the provisions of the development plan and any other material considerations.
- 7.18.2. The proposed development would have a negative impact on the rural landscape and would be harmful to the setting of the KDNL and Rodmersham and Milstead Dry Valley AHLV. It would also have a harmful impact on several designated and non-designated heritage assets, resulting in a very low degree of less than substantial harm for the designated assets and a very low degree of

harm for the non-designated assets. As described in the appraisal above, there are conflicts identified with the relevant policies of the Local Plan in this regard.

- 7.18.3. However, there is support for the development in national policy, particularly in regard to the provision of renewable energy, supporting the transition to net zero by 2050 and ecological benefits through a significant uplift in ecological value on site. Taking this into account, the benefits of the proposed development need to be weighed against the harm identified.

#### Benefits

- 7.18.4. 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 14,384 homes. It is also estimated that the proposed development would save approx. 35,681 tonnes of CO<sub>2</sub> over its 40-year operational period. Renewable energy using modern technology will also use less area to produce higher amounts of electricity and will contribute towards an independent, secure energy supply in the UK (which is particularly necessary in the current geopolitical climate). In accordance with paragraphs 161 and 168 of the NPPF, Local Plan policies and recent appeal decisions, significant weight is attached.
- 7.18.5. The proposal would also generate employment including construction jobs, as well as solar farm maintenance jobs, and Paragraph 85 of the NPPF advises that significant weight should be placed on the benefit a scheme offers in supporting economic growth and productivity.
- 7.18.6. Biodiversity Net Gains within the site would be 84.69% for habitats and 87.79% for hedgerow units, which is a significant uplift in biodiversity value. In accordance with the NPPF, Local Plan policies and recent appeal decisions, significant weight is attached to this benefit.
- 7.18.7. Diversification of Farm Business – The proposal would allow for coinciding use of the land for both energy production and agriculture and will provide the landowner with a secure supply of income to reinvest in their agricultural business. The resting of agricultural land which will also potentially improve soil health to the benefit of future cultivation activities. In accordance with recent appeal decisions and Paragraph 187 of the NPPF, moderate weight is attached to this benefit.

#### Harm

- 7.18.8. Officers conclude that the proposal would have a minor adverse impact on the setting of the Kent Downs National Landscape and therefore the proposal conflicts with the purpose of conserving and enhancing the natural beauty of the National Landscape. In accordance with Paragraph 189 of the NPPF, great weight should be attached to this disbenefit.

- 7.18.9. Officers conclude that the proposal would also have a minor adverse impact on the setting of the Rodmersham and Milstead Dry Valley AHLV, which is a designated landscape. It would also have an adverse impact on the landscape character of the site, which is a non-designated landscape and ranges from major adverse during construction and early stages of the operational phase, reducing to minor adverse by year 15 with the maturing of the proposed mitigating vegetation screening. The proposal would also have an adverse impact on the landscape character of the surrounding non-designated landscapes ranging from minor to moderate adverse during construction and the early stages of operation reducing to minor by year 15. Given the sensitivities of these landscapes, moderate weight is attached to this disbenefit.
- 7.18.10. Roads designated as rural lanes (Pitstock Road, Slough Road, Cheney Hill, Bottles Lane and Green Lane), would also experience minor adverse effects reducing to minor or negligible by year 15. However, the effects on non-vehicle users, particularly on Bottles Lane, during the early operational phase would experience a moderate adverse effect. Although, it is acknowledged that the effects on non-vehicle users reduce in most cases to minor at worst by year 15. Moderate weight is afforded to this disbenefit.
- 7.18.11. The effects on the closest residential receptors with direct views over the site see moderate to major adverse effects in the early stages of operation, which only reduces marginally to moderate adverse by year 15. Residential receptors further away would experience minor adverse effects, which only marginally reduces by year 15 given the proposed vegetation screening has limited effect at longer range views. Moderate weight is afforded to this disbenefit.
- 7.18.12. The identified harm to the setting of the 5 listed buildings, albeit very minor, results in the proposed development conflicting with Policy DM32 of the Local Plan. The identified harm to the setting of the 3 non-designated heritage assets along with the harm to the setting of the listed buildings also results in conflict with Policy CP8 of the Local Plan. The heritage balance is set out within section 7.4 of this report, whereby it was concluded that the public benefits of the scheme are considerable and clearly outweigh the low degree of less than substantial harm to heritage assets.

## **7.19. Conclusion**

- 7.19.1. In terms of the heritage balancing exercise that is required to be undertaken, as set out in the Heritage section of this report, it is considered that the abovementioned public benefits identified are sufficient to outweigh the very low degree of heritage harm that would be caused. In considering the impact of this proposal on designated heritage assets, officers have had regard to the Council's obligations pursuant to s16, s66 and s72 of the Planning (Listed Building and Conservation Areas Act) 1990.

- 7.19.2. With regard to the statutory duty under section 85(A1) of the Countryside and Rights of Way Act 2000, officers advised above that the proposal conflicts with the stated purpose of conserving and enhancing the natural beauty of the National Landscape. However, officers note that this is not caused by a direct visual link but due to a connection created by similarities in the landscape character. Furthermore, there are mitigating factors including the distance between the site and National Landscape, the physical barrier created by the M2, and the relative scale of the proposal in the context of the National Landscape area. The proposal also provides an improvement to biodiversity, which is another key component of the KDLN and therefore would benefit the setting of the National Landscape in this regard. Other key components of the natural beauty of the KDLN that are defined in the Kent Downs AONB Management Plan would not be affected by the proposal at all, such as geological features, tranquillity and the Heritage Coasts. As such, in addition to consideration of the abovementioned benefits of the scheme and the minor degree of harm to the setting of the KDLN, officers advise that the proposal may be justifiably granted planning permission and in doing so the Council would comply with its statutory duty.
- 7.19.3. The proposed development conflicts with Local Plan Policies CP8, DM24, DM26 and DM32. However, the principle of the proposed development is supported by NPPF paragraph 168(a) and Policies ST1(10a) and DM20 of the Local Plan and would help to address the Climate and Ecological Emergency declared by the Council. Furthermore, more detailed aspects of the proposal such as biodiversity improvements and employment generation also comply with local and national policy as set out within this report. Overall, it is considered that the proposal would accord with the development plan when it is taken as a whole. Moreover, other considerations, including the NPPF, also suggest that the application should be supported. As such it is recommended that planning permission be granted subject to conditions and planning obligations.

## **7.20. RECOMMENDATION**

- 7.20.1. GRANT PLANNING PERMISSION subject to the conditions set out below and the prior completion of a Section 106 agreement.

### **Conditions**

#### **1. Time Limit**

The development hereby permitted shall be commenced before the expiration of three (3) 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).



## 2. Drawings

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

Drawing Numbers:

- Site Location Plan – PTI01-001
- Site Layout Plan - PTI01\_DV\_EL\_DRA\_GEN\_IMP-03-01
- Inverters - 003C Rev 01
- Transformer Elevation – 003B Rev 01
- CCTV Detail - DV\_SEC\_411\_02\_00 Rev 01
- Customer Substation Detail - PTI01-DV\_HV\_201\_02\_00 Rev 01
- DNO Substation - 004PIT01-DV\_HV\_101\_02\_01
- Storage Container Detail - DV\_CS\_402\_02\_00 Rev 01
- Fence And Gate Detail - PTI01-DV\_CS\_202\_02\_00 Rev 01
- Array Detail - DV\_CS\_105\_02\_01 Rev 01
- Control House - 004PIT01-DV\_HV\_101\_02\_01 Rev 02
- Access Track Detail - NTW01-SD-03 Rev 01
- Landscape Strategy Plan – LN-LP-06 Rev F

Documents:

- Ecological Impact Assessment (EcIA)
- Landscape and Ecological Management Plan (LEMP)
- Biodiversity Net Gain – Design Stage Report

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

## 3. Temporary Permission

The planning permission hereby granted shall be for a temporary period only, to expire 40 years after the first export date of the development except for the substation and its ancillary infrastructure, which may 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 and to ensure that the 40-year period is complied with.

## 4. Decommissioning

Within 6 months of the cessation of the export of electrical power from the site, or at least 6 months prior to 40 years following the first export date (whichever is the sooner), a Scheme for the Decommissioning of the solar farm and detailed land restoration plan, including 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, details of safety measures in respect of interaction with Public Rights of Way (PRoW), 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.

#### 5. Protection of Areas of Archaeological Sensitivity

(A) Prior to the commencement of the development, full details of the final location, design and materials to be used for the panel arrays, transformers / inverter cabins, storage / communication / switch room cabins, switchgear unit, CCTV cameras, fencing and gates, and any other auxiliary buildings or structures shall be submitted to the Local Planning Authority.

(B) For Areas of Archaeological Sensitivity as shown in Figure 1 Rev A (dated 24 September 2024) and any additional Areas of Archaeological Sensitivity identified through the archaeological evaluation referenced in Condition (6) the final details will:

- (i) define areas of archaeological interest within which below and above ground development will be excluded and/or
- (ii) provide sufficient design mitigation including but not limited to the use of above ground cables, concrete shoes or other means to avoid any impact on archaeological deposits if required.
- (iii) set out protection measures during construction, operation and decommissioning work.

These details shall be approved in writing by the Local Planning Authority in consultation with their archaeological advisor. The development shall be carried out in accordance with the approved details and maintained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and protected. 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.

## 6. Archaeology across wider scheme:

A) Prior to the commencement of any development works the applicant (or their agents or successors in title) shall secure 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: To ensure that features of archaeological interest are properly examined and recorded. Specific 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.

## 7. CTMP

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. Notwithstanding the December 2023 CTMP prepared by TPA, this report should be updated to include the following additional information:

- a) Routing of construction and delivery vehicles to / from site

- b) Timing of deliveries
- c) Site Plan showing the construction compound layout, including the following:
  - Provision of the vehicle loading/unloading, parking and turning areas for construction and delivery vehicles and site personnel
  - Gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.
- d) Provision of wheel washing facilities
- e) Temporary traffic management measures / signage
- f) Details of safety measures in respect of interaction with Public Rights of Way (PRoW), with particular attention to Public Footpath ZR212, and shall include (but not be limited to) the following:
  - Clear signage warning Non Motorised Users (NMU) of construction traffic.
  - Drivers of construction vehicles to be given awareness briefings on speed limits, awareness of possible NMU on the lanes and to reduce speed where sighted.
  - A point of contact on site for drivers to report any issues identified on the lanes i.e. missing signs, safety hotspots, so they can be investigated accordingly.
  - Hotline in place for the public to report any issues identified with moving construction traffic, missing signage, and any other safety concerns.
  - 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.

#### 8. Construction Method Statement (CMS)

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

A Code of Construction Practice shall be included within the CMS and shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)

- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

The CMS 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.

#### 9. Land Contamination (For the site of the Control Box)

The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation, based on the approved Preliminary Risk Assessment (by Enzygo Ltd) dated December 2023, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (1). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be

collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- 3) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (2). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source / destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

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 potential contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

#### 10. Land Contamination (For the site as a whole)

If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of:

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

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 potential contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

#### 11. Construction ecological management plan (CEMP - biodiversity)

Prior to the commencement of works (including site clearance), a construction ecological management plan (CEMP - biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP - biodiversity will be based on the recommendations in section 3 of the Clarkson and Woods Ecological Consultants Ecological Impact Assessment report (August 2024) and will include the following:

- Risk assessment of potentially damaging construction activities;
- The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs. This shall include a suitable buffer zone(s) (as set out by a suitably qualified ecologist) to protect the main badger sett and any other badger setts to be retained;
- Extent and location of proposed works shown on appropriate scale maps and plans for all relevant species and habitats;
- Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of species or habitat-specific method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Details of any necessary protected species licences or other relevant documents (e.g., Arboricultural Method Statement/ updated species surveys if required);
- Responsible persons and lines of communication; and
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

## 12. Skylark Mitigation Strategy

No development shall be undertaken (including any site clearance) before a detailed Skylark Mitigation and Compensation Strategy has been submitted to, and approved in writing by, the local planning authority. The Strategy shall be based on the Clarkson and Woods Outline Skylark Mitigation Strategy for Pitstock Solar Farm, Sittingbourne, Kent (13th August 2024; Ref: 8896). The

Strategy shall ensure off-site habitat is provided for the projected loss of at least eight skylark territories (as identified in the Clarkson and Woods Ecological Consultants Ecological Impact Assessment report (August 2024) (Reference: 8149/8814). The Strategy shall ensure the mitigation and compensation measures with regards to habitat improvements proposed, and the area of land required, are based on available scientific research (such as The SAFFIE Project Report by Clarke et al., June 2007; BTO Research Report No. 129 by Wilson and Browne, October 1993; and Journal für Ornithologie article on Territory density of the Skylark (*Alauda arvensis*) in relation to field vegetation in central Germany by Toepfer and Stubbe, December 2001). If the proposed compensation site already has existing skylark territories and/or is already proposed as skylark compensation for other development, evidence shall be provided to demonstrate that the measures proposed are additional to any existing territories. The Strategy shall include the following:

- Up-to-date breeding bird survey data for the proposed compensation site;
- The means by which any off-site compensation land and its management shall be secured;
- Purpose and conservation objectives for the proposed works;
- Review of site potential and constraints;
- Detailed design(s) and/or working method(s) to achieve stated objectives;
- Extent and location/area of proposed works on appropriate scale maps and plans;
- Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- Details of the body or organisation(s) responsible for implementing the Strategy;
- Details of initial aftercare and long-term maintenance; and
- Details for monitoring (to be undertaken by a suitably qualified ecologist(s)) and remedial measures.

The Skylark Mitigation and Compensation Strategy shall be implemented in accordance with the approved details and no later than the commencement of construction or site clearance if earlier. All features shall be retained as approved thereafter, unless remedial measures are required.

Approval for any remedial measures shall be sought from the local planning authority in writing through condition 13 and thereafter implemented as approved.

Reason: To provide alternative foraging and nesting opportunities for skylarks displaced by the development.

### 13. Skylark Mitigation Monitoring:

Post-completion of the habitat improvement / creation works as secured by condition 12, monitoring of the number of skylark breeding territories at the off-



site compensation site shall be carried out in years 2, 5 and 10 by a suitably qualified ecologist and in line with standard professional survey guidelines. Year 1 shall be said to commence subsequent to a dated written statement from a suitably qualified ecologist to confirm that the habitat improvement/creation works have been completed and which shall be submitted to the local planning authority.

After each monitoring period full breeding skylark survey results shall be submitted to, and be approved in writing by, the local planning authority, including details of any required remedial management. The approved remedial measures shall be implemented.

Reason: To monitor the mitigation measures for skylarks displaced by the development.

#### 14. Tree Protection

The development hereby approved shall be carried out in strict accordance with the construction control measures to protect retained trees and tree groups (including hedgerows) within, and adjacent to, the site in accordance with British Standard (BS) 5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' as set out within the approved Arboricultural Impact Assessment by Barton Hyett Associates (dated: 19/12/2023).

Reason: To safeguard the existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

#### 15. Surface water drainage details:

Prior to the commencement of the development a detailed sustainable surface water drainage scheme for the site shall be submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment prepared by PFA Consulting (12/12/2023) and 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. 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.

#### 16. Surface water drainage - verification:

The development hereby permitted shall not be brought into use until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved 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 paragraph 175 of the National Planning Policy Framework.

#### 17. Archaeological setting – information boards

Prior to operation of the development a scheme of archaeological interpretation that includes information boards in publicly accessible areas of the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with their archaeological advisor. The scheme shall include the location for information boards, their content and timetable for their installation. The interpretation boards shall be installed in accordance with the approved details.

Reason: To ensure that the archaeological interest of the development site is appropriately interpreted and presented in the public realm.

#### 18. Turning Points

Prior to the operation of the development hereby approved, details of fire appliance turning points along the dead-end access tracks shall be submitted to and approved by the Local Planning Authority.

The development shall be carried out in accordance with the approved details prior to its operation and shall be maintained for the lifetime of the development.

Reason: In the interests of fire safety and access for emergency services.

### 19. External Lighting

No external lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This scheme shall refer to the Institute of ILP Guidance Note 01/21 The Reduction Of Obtrusive Light (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme shall also include the following biodiversity protection measures:

- The identification of areas/features on-site where disturbance could occur to bat and hazel dormouse roosting/nesting sites and/or foraging/commuting routes;
- The provision of an appropriate plan(s) to show how and where external lighting will be installed;
- The provision of technical specifications for the external lighting;
- The provision of lighting contour plans to show expected lux levels so that it can be clearly demonstrated that areas to be lit will not disturb bat/dormouse activity.

All external lighting shall be installed prior to first occupation of the development in accordance with the specifications and locations set out in the approved scheme, and these shall be maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of minimising the landscape and biodiversity impact of the development and to protect the amenity of neighbouring residents.

### 20. Wildlife fencing

The security fencing associated with the development hereby approved shall not be buried or extend all the way to the ground, and shall incorporate small gaps at appropriate points to enable access for small animals into the site as shown in the Fence and Gate Details (drawing ref: PTI01-DV\_CS\_202\_02\_00 rev 01).

Reason: To enable badgers (and other land animals) to continue to gain access to the site in the interests of minimising the ecological impact of the development.

### 21. Landscaping / Ecology

The development hereby approved shall be carried out in accordance with the approved Landscape Strategy Plan by Stantec (ref: LN-LP-06 rev F) and in accordance with the measures detailed within the Ecological Impact Assessment by Clarkson & Woods (dated August 2024), Landscape and Ecological Management Plan by Clarkson & Woods (dated August 2024) and Biodiversity Net Gain – Design Stage Report by Clarkson & Woods (dated August 2024).

The hard and soft landscaping of the site shall be implemented within the first planting season following construction of the development hereby approved and shall be maintained and managed for the lifetime of the development.

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. Any hedgerows on site that are removed or become seriously damaged or diseased during the lifetime of the development shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the proposed landscaping, biodiversity enhancements and screening measures on-site are secured.

## 22. Vehicular Access

Prior to the operation of the development hereby approved, details of the following vehicular access facilities shall be submitted to and approved by the Local Planning Authority:

- a) Vehicular access to the site.
- b) Details of access gates, ensuring they open away from the highway and are set back a minimum of 5.5 metres from the edge of the carriageway.
- c) Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9metres above carriageway level within the splays, prior to the use of the site commencing.
- d) Provision and retention of the vehicle parking spaces and turning areas within the site area.

The development shall be carried out in accordance with the approved details prior to its operation and shall be maintained for the lifetime of the development.

Reason: In the interests of highways safety and convenience.

## 23. PROW Management Scheme

Prior to the operation of the development hereby approved, a Public Rights of Way (PROW) Management Scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall set out measures to address safety, traffic, noise, and amenity impacts of the PROW network during the operation of the development.

The development shall be operated out in accordance with the approved details and any measures shall be maintained for the lifetime of the development.

Reason: In the interests of the PROW network safety and amenity.

24. Materials

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. The development shall subsequently 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.

