

2.7 14/502072		<u>Iwade</u>	
APPLICATION PROPOSAL			
Development of an up to 18MWp ground mounted solar farm on land at Orchard Farm, Iwade, Kent, ME9 8QE to include solar arrays, transformer enclosures; substation and control room, access tracks; perimeter fence and small-scale CCTV cameras			
ADDRESS Land West Of Orchard Farm School Lane Iwade Kent ME9 8QG			
RECOMMENDATION GRANT SUBJECT TO: comments from Bobbing and Newington Parish Councils, Kent Police, Natural England, Kent Highway Services ,KCC Archaeological Officer, KCC Biodiversity Officer and the Council's Environmental Services Manager and appropriate conditions			
SUMMARY OF REASONS FOR RECOMMENDATION			
The proposal would be acceptable being on land with low agricultural production value, despite being classed, in part, as Grade 3a. Evidence submitted suggests that the land should be downgraded. The benefits of this scheme in terms of its renewable energy value are of key consideration. The impact on visual amenities/character and appearance of the landscape would be harmful but appropriate mitigation measures would be put in place to reduce this impact. The impact on ecology has been carefully considered and appropriate mitigation put in place where necessary. The scheme would provide biodiversity enhancements which counts in its favour. The impact on highway safety/amenity would be insignificant. The cumulative impact of this proposal with two other solar farms in the area would be mostly insignificant in terms of visual amenities/landscape character and highway safety/amenity.			
REASON FOR REFERRAL TO COMMITTEE			
Parish Council objection			
WARD Iwade & Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT Mr Alejandro Alvarez AGENT Mr Mark Westcott	
DECISION DUE DATE 14/10/14	PUBLICITY EXPIRY DATE 14/10/14	OFFICER SITE VISIT DATE 11/09/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/14/242	Lawful Development Certificate for a model aircraft flying field. (on adjacent land but access shared with proposed solar farm)	Approved	25/07/14

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site totals 23ha (56.8 acres) and is located approximately 1.5 km to the southwest of Iwade village. The site is currently in agricultural use as arable fields. The ground is mostly flat and level with the surrounding roads – High Oak Hill and Stickfast Lane. The fields are largely visible from these roads with little screening by way of trees and hedgerows. There is however a strong tree line along the eastern boundary of the site. Orchards lie to the north of the site.

1.02 Orchard Farm Cottages lies immediately to the north of the site. Tiptree Cottage also lies to the north, on the opposite side of the road. Tiptree Bungalow lies opposite the site approximately halfway along the western boundary of the application site, and there is also a gypsy site opposite the western boundary.

1.03 There is an existing access track from High Oak Hill that currently serves the farm and also leads to a model aircraft flying field that would be surrounded to the north, west and south by the proposed solar farm.

1.04 The land to the west of this site slopes upwards to a ridge before descending towards the Medway Estuary. The surrounding area is characterised by arable fields interspersed with trees and hedgerows.

1.05 The site lies on land identified under the Agricultural Land Classification (1988) data as partly Grade 3a (north section and part of southern section) and partly Grade 3b southern section.

2.0 PROPOSAL

2.01 The proposal is for the development of ground mounted solar panels that would generate up to 18 Megawatts of electricity sufficient to power approx. 5,400 homes. The fixed panels would be south-facing and would cover the majority of the 23ha site. The panels would be a height of 1.8 metres above ground level and would be 0.4- 0.7m above the ground. The solar farm would be decommissioned after 25 years. The site is divided into a smaller northern parcel and a larger southern parcel.

2.02 The proposal would require the erection of 12 transformer housing units that would be positioned along the internal access tracks. These would be constructed of green metal sheeting. The transformer housing units would be a total height of 3.1m.

2.03 A substation and control centre would also be provided within the site (216 m away from High Oak Hill) and this would be a total height of 3.7m. The finishing materials of this building are yet to be finalised. In addition, a control room would be located close to the substation and would be 2.8 metres in height. This would be constructed of metal sheeting and would be painted green.

2.04 Access to the site would be from the existing access as described above. The proposal would result in the access being widened slightly to the east. Internal access tracks would be created.

2.05 The site would be secured by deer fencing at a height of 2 metres with timber posts. Gates would be installed at the end of the main access track to allow access to the northern and southern parts of the site. CCTV cameras/poles are proposed to be erected around the perimeter of the site. These would be a height of 3 m. There is no requirement for other security measures or floodlighting.

2.06 The scheme has been amended to reduce the number and height of CCTV cameras/poles from 3.5m to 3m and also to reduce the number of transformer housing units from 14 to 12.

2.07 The proposal also includes mitigation measures in the form of tree and hedgerow planting along the boundaries of the site, retention and improvement of existing hedgerows, a native species-rich grass and wildflower seed mix will be sown under the panels and in the areas around the boundaries of the site to develop a wildflower meadow. Other ecological enhancements include the provision of bat boxes, hibernacula and copse. The applicant is providing mitigation measures to address the presence of Great Crested Newts and Badgers. See Pages 6 to 11 of the Landscape Management Plan (July 2014) for details.

2.08 The construction phase of the development is likely to take 3 months. Construction traffic is expected to travel from the A249, through Bobbing and along Stickfast Lane.

2.09 The applicant submitted a request to the Council for a screening opinion as to whether this development required an Environmental Impact Assessment (EIA) (EIA/14/0006). It was concluded that this development did not have a significant impact on the environment and as such, an EIA was not required. However, the applicant was advised to submit various reports to support their proposal, which have subsequently been submitted.

3.0 PLANNING CONSTRAINTS

3.01 Potential Archaeological Importance

3.02 The land immediately to the west of the application site is designated as an Area of High Landscape Value.

4.0 POLICY AND OTHER CONSIDERATIONS

International, European and National Considerations

4.01 In 1997 the Kyoto Protocol set internationally-agreed and binding targets for the reduction in emissions of greenhouse gases up to 2012. The UK had a legally binding target to reduce the emissions of greenhouse gases by 12.5% below 1990 levels. The UK government then set a domestic goal to reduce emissions to 20% below the 1990 levels by 2020. The 2009 Copenhagen Accord, United Nations Climate Change Conference, Durban 2011 and the 2012 UN Climate Change

Conference have also had an influence on the UK's approach to tackling climate change.

4.02 On a European level, Directive 2009/28/EC – the promotion of the use of energy from renewable sources is significant. Each Member State has a target for the use of renewable energy as a percentage of its overall energy consumption until 2020. In particular, this Directive commits the UK to a target of generating 15% of its total energy from renewable sources by 2020. In 2009 only 3% of the total UK energy consumption was met from renewable sources. Directive no. 406/2009/EC of the European Parliament set targets for the reduction in greenhouse gases.

4.03 At the national level, The 2008 UK Climate Change Bill sets an 80% target for reduction in greenhouse gas emissions by 2050 (based on 1990 levels). The UK Committee on Climate Change 2008, entitled 'Building a Low Carbon Economy', provides guidance in the form of recommendations in terms of meeting the 80% target set out in the Climate Change Bill, and also sets out five-year carbon budgets for the UK. The 2009 UK Renewable Energy Strategy (RES) provides a series of measures to meet the legally-binding target set in the aforementioned Renewable Energy Directive. The RES envisages that more than 30% of UK electricity should be generated from renewable sources. The UK Low Carbon Transition Plan (2009) white paper is also significant as is the National Renewables Energy Action Plan for the UK. This emphasises the need to drive major changes in the way energy is used and supplied.

4.04 Since the Coalition Government came to power (in 2010), various statements have been issued in respect of renewable energy. Climate change is recognised as an urgent threat and the need to respond to this is stressed. In 2011, the National Policy Statement EN1: Overarching National Policy Statement for Energy was approved by Parliament and this is to be a material consideration in the determination of planning applications for renewable energy. This guidance reiterates the targets set at a European and National level. Importantly, this states:

'Large scale development of renewables will help the UK to tackle climate change, ...It will also deliver up to half a million jobs by 2010 in the renewables sector.' (Paragraph 3.4.2).

4.05 The UK Renewable Energy Roadmap was also produced in 2011 by the Department of Energy and Climate Change and identifies eight technologies that have the greatest potential to help the UK meet the 2020 target. Solar farms are not included within these identified technologies but the Roadmap does highlight solar technology as having the potential to contribute towards this target. Dept of Energy and Climate Change: Gregory Barker Letter, dated 1st November 2013, titled "Solar Energy" Where he highlights, among other things, his focus of growth "to be firmly on domestic and commercial roof space and previously used land"

4.06 Despite this National target for the provision of renewable energy, at a County or Borough wide level no such targets exist.

National Planning Policy Framework 2012 (NPPF)

4.07 The NPPF was released with immediate effect; however, **Paragraph 214** states that “for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”

4.08 The 12 month period noted above has expired. As such, it was necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF. This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. All policies cited below are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

4.09 The NPPF at **paragraph 14** sets out the presumption in favour of sustainable development. It outlines a set of core land-use planning principles (**Para 17**) which should underpin both plan-making and decision-taking including to,

support the transition to a low carbon future in a changing climate and encourage the use of renewable resources but to also:

- Take account of the different roles and character of different areas recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework; and
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high value.

4.10 Meeting the challenge of climate change, flooding and coastal change states that,

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

4.11 **Para 28** supports a strong rural economy and **Para 97** continues that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

“have a positive strategy to promote energy from renewable and low carbon sources; design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts; consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and

identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.”

4.12 **Para 98** advises that, when determining planning applications, local planning authorities should:

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

4.13 Conserving and enhancing the natural environment states the planning system should contribute to and enhance the natural and local environment by:

“protecting and enhancing valued landscapes; and

minimising impacts on biodiversity and providing net gains in biodiversity where possible, contribution to the Government’s commitment to halt the overall decline in biodiversity.”

4.14 **Para 112** reads as follows:

“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land (namely Grades 1, 2, and 3a). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

4.15 **Para 118** advises that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles relevant to this development:

“if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

4.16 DCLG’s “Planning Practice Guidance for Renewable and Low Carbon Energy” (July 2013)

4.17 **Para 013** relates to large scale ground mounted solar photovoltaic farms in particular advises Local Planning authorities to consider, amongst other things:

- encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- the effect on landscape of glint and glare and on neighbouring uses and aircraft safety
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun
- the need for, and impact of, security measures such as lights and fencing
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

South East Plan

4.18 The South East Plan (SEP) has now been revoked and, as such, carries no weight. However Members may find it useful to note that the SEP set regional and sub-regional targets for production of renewable energy. The regional target for 2016 was 895 MW of installed capacity (or 8% of total regional electricity generation capacity) and 1130 MW (or 10%) in 2020. The sub-regional target for Kent was 111 MW in 2010 and 154 MW in 2016.

4.19 Kent County Council's 'Renewable Energy for Kent' report (2012) should also be noted.

Swale Borough Local Plan 2008

4.20 The following policies are relevant to this case: SP1 (sustainable development), SP2 (environment), SP3 (economy), SP5 (rural communities); SP6 (transport and utilities); E1 (general development criteria), E6 (rural restraint), E9 (landscape which includes a degree of protection for Areas of High Landscape Value), E10 (trees and hedges), E11 (biodiversity), E16 (archaeological sites), E19 (design), RC1 (rural economy); (RC7 (rural lanes), and U3 (renewable energy).

4.21 Supplementary Planning Document 'Swale Landscape Character and Biodiversity Appraisal' (2011)

This document identifies the application site as being within the Iwade Arable Farmlands. The document identifies gentle undulating rural landscape. The medium and large scale arable fields provide uninhibited views across the open landscape in places. There are many fragmented woodlands and mature broken hedgerows. Narrow country lanes connect small villages and isolated cottages. Many intrusive pylons and power lines cross the landscape and are prominent on the

skyline. Condition is poor and sensitivity to change of moderate. The SPD recommends restoring and creating.

4.22 Consultation Draft Swale Borough Local Plan 2013 – Known as Bearing Fruits 2031:

Policy DM30 states that:

“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:

1. The site is allocated for development by the Local Plan;
2. There is no alternative site on land of a lower grade than 3a; or
3. Use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and
4. The development will not result in the remainder of the agricultural holding becoming not viable.”

Other guidance of material consideration

4.23 The Government has also produced a number of documents that are of relevance: UK Solar PV Strategy Part One: Roadmap to a Brighter Future (2013); UK Solar PV Strategy Part Two: Roadmap to a Brighter Future (2014); National Solar Centre Planning Guidance for Development of Large Scale Ground Mounted Solar PV Systems and; National Solar Centre National Planning Guidance – Biodiversity.

4.24 The first of these documents states: “...The key issue is ensuring that proposals to deploy solar PV take account of the circumstances of each project...Likewise, even plots of the highest grade agricultural land could include areas which are in themselves lower grade and could legitimately be used for solar PV deployment. There is increasing evidence that, if well planned and managed, there can be biodiversity benefits arising from the deployment of solar PV at large scale....”

4.25 The document entitled - National Solar Centre Planning Guidance for Development of Large Scale Ground Mounted Solar PV Systems identifies steps for developers to work through with regard to siting development on agricultural land. A flow chart is provided to aid the Local Planning Authority in understanding why a development is proposed on Best and Most Versatile land. If located on Grade 3a land developers should:

- “1. Provide an explanation of why the development needs to be located on the site and not on land of lesser agricultural classification within the area;
2. Provide information on the impact of the proposed development on the local area’s supply of farming within the same classification;

3. If the proposed development site makes up part of an existing farm, provide information on the viability of this farm to continue to function (as an agricultural unit) with the development in situ;

4. Consider the cumulative impact of the proposed development and other permitted large-scale solar PV development on the supply of agricultural land within the same classification across the local area.”

4.26 Swale Borough Council has approved its own guidance entitled: Renewable Energy Planning: Guidance Note 2: The Development of Large Scale (>50kW) Solar Arrays. This reiterates much of the guidance and policy above and provides the developer with details on all aspects of the solar farm developments.

4.27 Also of note is a speech by Greg Barker (MP) to the solar PV Industry on 25th April 2013 where he states:

“...for larger deployments, brownfield land should always be preferred.
...Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation...”

And a letter to Local Authorities on 22nd April 2014 in which he states:

“...the main message from the Strategy is that we are keen to **focus growth of solar PV in the UK on domestic and commercial roof space** and on previously-used land.”

4.28 Also of relevance is the Natural England Technical Note TIN049 (2012) and Natural Environment White Paper the Natural Choice: Securing the Value of Nature (2011).

5.0 LOCAL REPRESENTATIONS

5.01 One objection has been received from the Trustees of the Harris Belmont Charity (Faversham). They consider that the development would visually affect the amenity of the surrounding farmland and nearby residential properties. The development would remove 23ha of productive arable land from food production which is located conveniently to London.

5.02 Six letters of support have been received. They make the following comments:

- This is a good site for a solar farm;
- We need more renewable energy;
- Negligible visual impact;
- Remote site;
- The land is not good for agricultural production and the land floods;
- Environmental benefits;
- Farm diversification to benefit the rural economy.

6.0 CONSULTATIONS

6.01 Iwade Parish Council object to the proposal on the grounds of visual amenity – the site is next to an Area of High Landscape Value, the loss of agricultural farmland, construction and decommissioning problems, loss of outlook to neighbouring residential properties, out of character with the landscape, KCC Highways should look carefully at the impact of the construction phase on the Sustrans cycle routes that runs along Stickfast Lane and, there should be a condition that no traffic should go through Iwade Village.

6.02 The Environment Agency has no objection but do not agree with the conclusions of the submitted Flood Risk Assessment. They note that the solar panels will be likely to increase the surface water run-off and they require further consideration of the use of Sustainable Drainage Systems. They recommend a condition to require the use of sustainable drainage including the submission of supporting calculations to demonstrate that the surface waters can be adequately controlled.

6.03 The KCC Biodiversity Officer has reviewed the ecological information submitted and have asked for further information on the precautionary mitigation to minimise the potential of Great Crested Newts being killed or injured by the proposed development. They accept the findings in respect of reptiles. With regards to badgers, they note that there are two sets within the boundary of the site. They should both be given a 30m buffer and an updated badger survey should be carried out prior to commencement of works. The suggested recommendations for mitigations should be carried out. The biodiversity enhancements as proposed are acceptable and a condition is recommended to ensure their implementation. They also advise that a condition is attached to require the submission of an ecological impact assessment and mitigation strategy prior to the decommissioning of the solar array. They ask for additional information in respect of the impact of wild birds, particularly those that nest in the field and advise that with regards to bats, as the hedgerows, trees and ponds are to be retained, no further action is required.

6.04 The Lower Medway Internal Drainage Board note that although the site is not within their district, the proposal has the potential to increase downstream flood risk. The rates of surface water run-off are likely to increase from the panels and tracks. Although not opposed to the principle of the development, it is requested that details of drainage are submitted to the council so that run-off is no more than that of a greenfield site.

6.05 KCC Archaeological Officer – comments awaited

6.06 Kent Highway Services – comments awaited

6.07 Kent Police – comments awaited

6.08 Bobbing and Newington Parish Council – comments awaited.

6.09 Environmental Services Manager – comments awaited.

6.10 Natural England has no objection.

6.11 The Council's Rural Planning Consultant states the following:

“R. Bryan, the applicant's retained arable consultant for the last 30 years, provides evidence that in practice, due to problems with a weakly textured topsoil with a high silt content, the Upper Field (which comprises the majority of the 3a land) also has problems with poor drainage and difficult crop establishment, and has actually proved less productive than the Lower Field (which contains the Grade 3b land). The consultant also explains that another potential alternative field outside the current site, to the north (Tiptree Field) is actually more productive than either the Lower Field or the Upper Field, despite Tiptree Field being ALC grade 3b (albeit the relevant ALC study determining that grading has not been provided, to my knowledge).

There was a complete crop failure in much of the Lower Field in 2013, and a crop failure in the Upper Field in 2012.

On this basis, whilst at face value the ALC grading would suggest the potential choice for any solar farm development here would be the Lower Field and Tiptree Field, it does not appear unreasonable to accept the owner/farmer's “on the ground” experience, and favour the current proposal for the use of the Upper Field, as poorer quality land, rather than Tiptree Field.

To summarise, if a solar farm on greenfield land here is considered necessary, it appears that the requirements of the NPPG would be met, at least in terms of using poorer quality land in preference to higher quality land.”

7.0 BACKGROUND PAPERS AND PLANS

Planning Statement, Design and Access Statement, Landscape and Visual Impact Assessment, Agricultural Land Classification Report, Supplementary Land Report, Historic Environmental; Desk-based Assessment, Geophysical Survey; Extended Phase 1 Habitat Report (and Great Crested Newts and Badger Reports), Glint and Glare Study, Transport Report, Flood Risk Assessment and Statement of Community Engagement.

8.0 APPRAISAL

The key issues here are:

- principle of development/agricultural land classification
- ecological impacts
- landscape / visual implications
- highway safety and convenience
- residential amenity
- cumulative impact

Principle of Development

8.01 As Members will have read above, there is an International and National drive towards the reduction in greenhouse gas emissions and the increase in the use of renewable energy as a way of achieving this in order to tackle climate change. This must be given significant weight when considering the current proposal against local and national policies of rural restraint. It should also be highlighted that the proposal is for a temporary period of 25 years. Whilst I acknowledge that this is a fairly long temporary period, in relative terms, it will not be a permanent development that will have lasting impacts in perpetuity.

8.02 The proposal is for a major development in the open countryside on agricultural land confirmed as Grade 3a and 3b. The NPPF states as mentioned above (para. 112) "*Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*". This is supported by Policy DM30 of the consultation draft Swale Borough Local Plan 2013. Furthermore para 112 of the NPPF continues that as the Planning Authority we should thus "*seek to use areas of poorer quality land in preference to that of higher quality*".

8.03 The first test to be applied to solar farm developments such as this is to consider whether there is the opportunity for the development to be located on brownfield/previously development land. We must be satisfied that the use of greenfield land is *necessary*. The applicant puts forward a number of reasons why they have ruled out the development on brownfield land including the size of the land required, cost of acquiring it and various constraints. Members should be made aware that the applicant has not put forward a brownfield site search on this occasion. However, I am mindful of the evidence submitted for other solar farm proposals in the borough, in particular the site at Cold Harbour Lane (also on this agenda) which *has* submitted more in-depth information and has, in my view, demonstrated that there is little likelihood that brownfield sites within Swale could be developed as a solar farm. It is my view that the applicant has demonstrated that the use of greenfield land is necessary.

8.04 The next stage in considering acceptable sites for solar farms is to consider whether it can be developed on poorer quality agricultural land. For clarity, best and most versatile land is Grade 1, 2 and 3a. As such, on the face of it, part of the proposed development would appear to be on best and most versatile land and we would look to resist such development in line with the policy set out above. However, the application is accompanied by a report that argues that part of the Grade 3a land (9.4ha) should be downgraded to Grade 3b due to its unstable nature brought about by persistent drainage problems, the site having been previously excavated for brick earth. This has resulted in the land in question being challenging to farm. With regards to the other part of the Grade 3a land (12.6ha), the report submitted by the applicant notes that the land has a low production value comparable to the neighbouring land which is Grade 3b. This is again due to poor drainage that can cause weakly textured topsoil. As a consequence, crop

establishment and yields can significantly reduce. An extract from the submitted Agricultural Land Classification (ALC) report is as follows:

“6.2 Although these descriptions refer in general terms to the consistency and level of yield, the ALC System confirms that a national system of economic classification has not been developed because of problems associated with acquisition of objective, up to date, accurate and consistent farm output data appropriate to a national ALC System. Similarly site specific crop yield data are not regarded as a reliable indication of land quality, because it is not possible to make allowances for variables such as management skill, different levels of input and short-term weather factors. For these reasons grade cut-offs are not specified on the basis of crop yields.

6.3 However, on a single farm unit, which is subject to the same level of management, it is not considered unreasonable to make an assessment of the relative quality of land on the basis of yield data and management experience over a number of years”.

The Council’s Rural Consultant accepts this argument.

8.05 In addition to this, the proposal includes the planting of grassland and wildflower mix which will benefit the soil quality, structure and its drainage capacity. Over the 25 year period that the solar farm would be present, the land will become more productive. The applicant also intends to graze sheep on the land as a way of maintaining the meadow between the beneath the solar panels. The land will therefore retain some, albeit limited, agricultural value.

8.06 All of the above factors weigh in favour of the proposal in my opinion. The Council’s Rural Consultant is also supportive of the proposal in respect of the use of this particular agricultural land and accepts the conclusions of the submitted reports in respect of the down-grading of the Grade 3a land and it’s the production value.

Visual Impact/landscape character

8.07 The solar panels, CCTV, transformer housing, control room, substation and tracks would significantly alter the appearance of the land and I consider that there would be some harm to the visual amenities of the area and the character and appearance of the countryside. The submitted Landscape and Visual Impact Assessment notes that although the landscape is open and exposed in places, the undulating topography and belts of mature trees and hedgerows, in addition to buildings, screen or filter many views of the application site. There are however, views from some nearby houses and commercial buildings, roads and public rights of way (the closest of which, namely ZR104, is 0.4km) from the application site. As noted above, there is an existing strong tree line along the eastern boundary of the site which would restrict views. The most prominent views of the site however will be when travelling along High Oak Hill and Stickfast Lane. In addition, there would be a significant impact on the residents of Basser Hill Farm, Tiptree Bungalow, Orchard Farm and, Tiptree Cottage, particularly in the short term while the screen planting establishes. All of these properties are within 0.1km of the application site

boundary. The planting of hedgerows and trees to screen the solar farm as much as possible is therefore of utmost importance.

8.08 The proposal has incorporated this and has been amended slightly to increase the heights of the hedgerow mix when first planted to ensure that the screening is more quickly established. The applicant has confirmed that the new hedgerow would reach the height of 2 metres within three years and 3 metres in five years and would be maintained at a height of 3 metres. The trees would be planted at a height of 2.5 to 4 metres and would be planted at strategic locations to screen views from the closest residential properties. I anticipate that within 3-5 years, the solar farm would be largely screened from the gardens and ground floor of a number of the adjacent residential properties and screened from the adjacent roads. The addition of trees and hedgerows to this landscape would be entirely in-keeping with the character of this landscape in my view.

8.09 The location of the transformer housing within the centre of the site will limit their visual impact in my view and the CCTV cameras/poles at a height of 3 m would be largely screened by the trees and hedgerow surrounding the solar farm after five or so years.

8.10 The harm that I have identified would in my view, be addressed to a certain extent by the landscaping proposed. However, I am of the view that there would still be some harm to this rural landscape because the solar farm would still be visible from upper floor windows within residential properties close by and vantage points further afield. I am also mindful that the hedgerow would provide less screening over the winter months. However, I have not identified significant harm here and I must take into account the fact that this site is not within an Area of High Landscape Value, AONB or Special Landscape Area. I must also consider the benefits that this development will bring in the form of renewable energy powering approximately 5,600 homes, benefits to the production value of the land after 25 years and, the biodiversity enhancements detailed above. I also give weight to the fact that the land will be restored after 25 years and so in this respect, the visual impact would not be permanent. Therefore on balance, I am of the view that the visual and landscape harm would be outweighed by the benefits as noted.

Residential Amenity

8.11 I acknowledge that there may be some disturbance to local residents during construction. Working hours proposed are Monday to Saturday 07:00 to 18:00 and on Sunday between 09:00 and 13:00. However, this would be for a limited period only and I consider that this impact would not be significant.

8.12 During operation, there would be very little noise associated with the proposal use. This would be in the form of noise from the transformers and fans located within the sub stations during the day. However, there would be no noise at night due to the loss of the sunlight from which the solar panels would be powered. In any case, the noise would only be audible in close proximity to the transformer housing. These are to be located a minimum distance of 170m from the closest residential property. The Council's Environmental Services Manager will comment on this aspect of the proposal and their comments will be reported at the meeting.

Subject to the views of the Environmental Services Manager, I consider that there would be no undue impact on the residential amenities of the surrounding residential properties.

Highways

8.13 Kent Highway Services are yet to comment on the proposal. However, the submitted Transport Statement estimates that during the construction period of nine weeks, there would be 4 HGVs, 20 light goods vehicles and 25 staff vehicles visiting the site per day. This would equate to an increase in traffic during the construction period of 12%. I do not consider that this would be a significant increase in traffic and it must be noted that this is only for a short period of time. Also of note is the fact that most of the vehicles travelling to and from the site would be at the beginning and the end of the working day and outside of the normal school drop-off and pick-up times. This is of relevance in respect of the likely route of traffic through Bobbing and past the primary school. During the operational phase i.e. once construction is complete, there would only be one vehicle trip to the site per day Monday to Friday. The designated route to and from the site for large vehicles would be via Stickfast Lane, Sheppey Way and A249. It is my view that this route would have the least impact on local residents.

8.14 The application is accompanied by a Glint and Glare study. This has found that the reflection from the solar panels may be experienced by users of the roads immediately adjacent to the solar farm between March and October. However, the screening around the perimeter of the field will significantly reduce any impact and in any case, the report concludes that the reflections from solar panels will not be as bright as many of the usual glare effects one encounters when driving at this time of year. This is because the solar panels are designed to absorb, not reflect, the sun. I therefore find no harm as a consequence of glint and glare.

Ecological Impacts

8.15 The submitted ecological assessment identifies the potential for Great Crested Newts (GCN) at the site. However, due to the nature of the site in arable use, the application site offers a poor GCN habitat. The impact on GCNs was considered to be unlikely if construction is undertaken during hibernation season (mid-October to mid-February). Furthermore the proposal includes a 20m set back from the closest pond. Discussions between the applicant and the KCC Biodiversity Officer are ongoing with regards to the exact risk to GCNs and the mitigation measures employed. Members will be updated on the progress of these discussions at the meeting.

8.16 Two badger setts have been found at the site, one used and one disused. 30m buffer zones have been provided around the setts to ensure that there is no disturbance. The KCC Biodiversity Officer is yet to provide her final comments on the adequacy of this arrangement.

8.17 Bats and reptiles have been found to use the field margins, hedgerows and trees at this site but these would not be disturbed by the proposal and therefore, no

additional surveys are required. Additional information is expected to be submitted in respect of the impact on breeding birds.

8.18 The biodiversity enhancements put forward by the applicant and as set out above, would be sufficient in my view.

8.19 Owing to the distance of this site from the SSSI and SPA (1km), I do not consider that there would be any detriment to the special features of these designated areas.

Cumulative impacts

8.20 This proposal has been submitted at the same time as the solar farm proposal at Cold Harbour Lane (also on this agenda SW/14/0525 and 1 km to the south) and so the cumulative impacts of both scheme in terms of the visual/landscape impact and also the traffic impact are important to consider. I also asked the applicant to consider the cumulative impacts of these two solar farms with a potential solar farm at Stickfast Lane (approx. 500m to the south east), although no formal planning application has been submitted for this proposal to date.

8.21 The submitted Landscape and Visual Assessment identifies some areas where all three solar farms would be visible. The assessment concludes that with the hedgerow and trees screening proposed, for all three solar farms, the impact on the landscape would be reduced. The Iwade Arable Farmlands character area covers all three solar farm sites. This has a moderate sensitivity to change and the assessment concludes that the cumulative magnitude of impact would be medium resulting in minor adverse effects. In terms of visual impact from all three solar farms, the residents of Belnor Avenue, Bobbing will, according to the assessment experience a significant cumulative impact as a result of being able to see all three solar farms. There are four properties along this road and whilst there may well be a significant impact initially, once the landscaping has matured, I consider that the harm will be sufficiently reduced and on balance, I consider that the benefits of this scheme would outweigh the harm to these four properties.

8.22 In terms of the transport impact, the only concern would be if two or all three solar farms were to be constructed at the same time. When considering this matter, one must appreciate that the Cold Harbour Lane solar farm would be likely to use a different route to that of the Stickfast Lane and Orchard Farm sites. Cumulatively, the number of vehicles generated by the three solar farms being constructed at the same time would equate to 216 additional vehicle movements per day which in the views of the applicant's transport consultant is low. Kent Highway Services will comment on this further and their comments will be reported at the meeting. However, in my opinion, the likelihood of all three solar farms being constructed at the same time is low given the fact that the Stickfast Lane proposal has not yet been submitted. As such, I do not consider that cumulative harm would arise as a consequence of the traffic generated by these three solar farms.

8.23 Members may be interested to know that in the applicant's opinion, there is a significant lack of grid capacity in Swale and indeed in Kent. They note that without significant upgrades to the electricity distribution network, which would include miles

of new overhead lines and larger substations, that this would make the development of solar parks economically unviable. In theory, this would prevent any further solar parks across the county. It can therefore be concluded that the capacity for further solar parks in the borough is significantly limited. The Orchard Farm proposal benefits from being one of the last remaining viable grid connections within Kent.

Other matters

8.24 The site has archaeological potential, and the application is accompanied by a Historic Environmental Desk-Based Assessment. This concludes that the setting of designated heritage assets is not affected by the proposal due to the distances between them. A programme of geophysical surveys to identify any archaeological remains was carried out and the results have been submitted. I am awaiting the comments of the KCC Archaeological Officer and will report his finding at the meeting.

8.25 The site does not fall within flood risk zones 2 or 3 and as such flood risk is not considered to be an issue. However, as notes above, the EA and the Lower Medway Internal Drainage Board have asked that surface water drainage is given further consideration. I have recommended an appropriate condition.

9.0 CONCLUSION

9.01 Having considered the comments from local residents and consultees and the relevant planning policies, I am of the view that the development is acceptable in principle, despite being partially on best and most versatile land. The applicant has demonstrated that the value of the land in terms of agricultural production is low and that the proposed development would actually improve the production value after 25 years. I consider that the applicant has provided sufficient information to demonstrate that despite the official grading of the land, its actual value is that of poorer quality.

9.02 The visual impact of the proposal and the impact on landscape character would in my view, be harmful. However, with the mitigation proposed I consider that this harm would not be significant and I give weight to the benefits of the development in terms of its renewable energy production, the ability to restore the land and the ecological enhancements.

9.03 The impacts on residential amenity would be confined to the construction phase of the development and would therefore be limited in my view. The impact on highway safety/amenity would also be largely limited to the construction phase and would generate an insignificant amount of traffic on the highway in my view. Ecology would be appropriately mitigated in my view and archaeology and drainage matters can be adequately dealt with by condition. The cumulative impact of this solar farm with the other two solar farms in the area has been carefully considered and I have identified no significant harm that could not be addressed by way of mitigation and/or would be outweighed by the benefits of this development.

10.0 RECOMMENDATION – GRANT Subject to comments from Bobbing and Newington Parish Councils, Kent Police, Natural England, Kent Highway Services, KCC Archaeological Officer, KCC Biodiversity Officer, Environmental Services Manager and subject to the following conditions:

CONDITIONS to include

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Grounds: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance the following approved drawings: Solar Farm Lay-out rev. 11, Landscape Masterplan and Site Layout, CCTV post detail rev. 1, Typical frame and anchor detail, Typical security fence detail, typical control room detail, typical transformer housing detail – preferred, typical solar panel detail, 47069948-TRA-002.

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

3. The planning permission is for a period not exceeding 25 years from the date that the development is first connected to the electricity grid. The date of first connection shall be notified to the planning authority within 28 days of that event occurring. All solar arrays, their supports and foundations; inverters; transformer stations; site substation; access tracks; fencing; and security cameras and their supports; must be removed from site and the site be reinstated to its former arable condition within 12 months of the solar park ceasing to be operational.

Grounds: To reflect the temporary nature of the development and ensure appropriate reinstatement of the site.

4. The development hereby approved shall be completed in accordance with the

Landscape Management Plan July 2014 and Addendum to LMP and LVIA

September 2014 unless otherwise first agreed in writing by the Local Planning

Authority. Upon completion of the approved landscaping scheme, any trees or

shrubs that are removed, dying, being severely damaged or becoming seriously

diseased within five years of planting shall be replaced with trees or shrubs of such

size and species as may be agreed in writing with the Local Planning Authority, and

within whatever planting season is agreed.

Grounds: In the interests of visual amenity, landscape character and ecology and biodiversity.

5. No impact pile driving in connection with construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following times

Mondays to Fridays or 09:00 to 17:00 hours, unless in association with an emergency or with the prior written approval of the District Planning Authority.

Grounds: In the interests of residential amenity.

6. No construction work in connection with the development shall take place on any Sunday or

Bank Holidays, nor on any other day except between the following times:-

Mondays to Saturdays or 07:00 to 18:00 hours, Sundays 09:00 – 13:00 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Grounds: In the interests of residential amenity.

7. No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the lighting columns or other fixtures.
- The type, number, mounting height and alignment of the luminaries.
- The beam angles and upwards waste light ratio for each light.
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

Grounds: In the interests of visual amenity, the residential amenities of occupiers of nearby dwellings and the protection of bats.

8. Prior to the works commencing on site, details of the area for parking for site personnel/operatives and their construction vehicles/visitors, loading, off-loading and turning on the site shall be submitted to the Local Planning Authority for approval in writing and shall be provided in accordance with the approved details shall be retained throughout the construction of the development.

Grounds: In the interests of highway safety and convenience.

9. During construction on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority.

Grounds: In the interests of highway safety and convenience.

10. The development shall be implemented in accordance with the submitted Transport Report July 2014.

Grounds: In the interests of highway safety and amenity.

11. Prior to the removal of the Solar Farm hereby approved, a Decommissioning Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the decommissioning shall not proceed other than in accordance with the approved programme.

Grounds: In the interests of highway safety and the proper programming of the development.

12. Prior to the erection of the substation, details in the form of scaled drawings, of its size and finishing shall be submitted to the Local Planning Authority for approval in writing and shall be implemented in accordance with the approved details.

Grounds: In the interests of visual amenity.

13. The transformer housing hereby approved shall be finished in dark green.

Grounds: In the interests of visual amenity.

14. Prior to the commencement of development hereby approved, full details of the method of disposal of surface waters – which shall be based upon sustainable principles shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Grounds: In order to prevent pollution of water supplies and localised flooding.

15. Prior to the commencement of development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Grounds: To ensure that features of archaeological interest are properly examined and recorded.

16. Prior to the commencement of works on site, an updated badger survey should be submitted to the Local Planning Authority for approval in writing and any revised

mitigation recommended shall be implemented in accordance with the approved details.

Grounds: In the interests of ecology and biodiversity.

17. An ecological impact assessment and mitigation strategy shall be submitted to the Local Planning Authority for approval in writing prior to the decommissioning of the solar array.

Grounds: In the interests of ecology and biodiversity.

18. The mitigation measures and recommendations set out in the Great Crested Newt Advice Document rev A, the recommendations set out in the letters from Landscape Partnership dated 27th August 2014 and 12th September 2014 shall be implemented.

Grounds: In the interests of ecology and biodiversity

19. Any additional conditions recommended by consultees.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.