

**Wrotham**

**563284 158867**

**23 July 2015**

**TM/15/02431/FL**

Wrotham, Ightham And  
Stansted

**Proposal:**

Proposed temporary (30 years) change of use from agriculture to agriculture and solar photovoltaic farm with associated static arrays of photovoltaic panels together with cabins to contain inverter cabinets and transformers, storage cabin and a cabin to house a substation, with perimeter fencing, CCTV network, trackways, landscaping and ecological enhancements

**Location:**

Land Between M20 And M26 West Of Ford Lane Wrotham  
Heath Sevenoaks Kent

**Applicant:**

Good Energy Development (No.2) Limited

---

**1. Description:**

- 1.1 The application proposes a change of use of land from agricultural use to agricultural/solar photovoltaic farm use for a period of 30 years. The solar farm will generate up to 5MW of electricity (sufficient to power 1200 homes), with the facility taking up about half of the 18.11 hectare site. It will be set within the northern section of the site and enclosed by security fencing.
- 1.2 The solar farm facility is to comprise of the following:
- Solar photovoltaic panel arrays
  - Substation cabins
  - Inverter cabins
  - Storage container
  - Security cameras
  - Security fencing
  - Internal access tracks
  - Additional landscaping provisions
- 1.3 The solar photovoltaic units will consist of about 20,000 solar panels supported on metal frames about 2.7m high. They are to be arranged in rows that run east/west, about 4m apart, facing south and angled 20-35°.
- 1.4 A number of ancillary buildings are proposed, including 2 substation cabins to house electrical equipment (10.2m x 2.1m x 3m high/6.25m x 3.4m x 3.5m high), 3 inverter/transformer cabins (6.5 x 2.5m x 3m high) and a storage container (3m x 2.7m x 2.6m high). The buildings are to be metal clad and finished in grey or green.

- 1.5 The facility is to be enclosed with 2m high dark green mesh security fencing and situated a minimum of 5m back from the boundary hedges. A total of 13 CCTV security cameras on poles about 3m high and coloured grey are also proposed in various locations within the enclosed area of the facility. A 4m high pole with a meteorological sensor and transmission dish is also proposed.
- 1.6 Access tracks about 4m wide are to be constructed linking the main site access to the proposed substations and other buildings. The tracks are to be made of permeable stone material over a membrane.
- 1.7 Additional landscaping is proposed including wild flower planting and hedges and trees to be planted around the perimeter of the site to further screen the development.
- 1.8 A Design and Access Statement, Appraisal of Landscape and Visual effects, Ecological Survey & Great Crested Newt Survey, Agricultural Land Classification and Soil Resources Report, Flood Risk Assessment (FRA) and Surface Water Report, Heritage Desk-Based Assessment, Tree Survey, Planning Statement, Traffic and Construction Plan and a Statement of Community Involvement have been submitted in support of the application.

## **2. Reason for reporting to Committee:**

- 2.1 The proposal represents a departure from the Development Plan and has been called-in to Committee by Councillor Coffin due to the proposal being a major development in the local area.

## **3. The Site:**

- 3.1 The application site, which is approximately 18.11 hectares in area, is situated between Ford Lane, the M20 and M26 Motorways and land to the rear of properties to the east of London Road (A20), in the countryside to the north of Wrotham Heath. The site is made up of 4 parcels of land, 3 of which have been used for arable cultivation and 1 as pasture. These are generally defined by 2m high hedgerows. Small water courses run along the western boundary and through part of the site. The land is set at a level much lower than the raised level of the M26 and is at a similar level to that of the M20. The site slopes down from the northwest to the southeast with an overall drop of 15m. The land is also characterised by gentle undulations. A bitumen sealed access road that was a former C road before the motorways were constructed extends from Ford Lane into the site but does not form part of the application site. A series of electricity power lines transverse the site from a substation situated beyond the southwest corner of the site.
- 3.2 The site is within the designated Countryside, Metropolitan Green Belt, Kent Downs AONB and a Water Catchment Area. A PROW footpath extends east to west inside the southern boundary of the site.

3.3 A band of trees and hedgerow delineates the stepped line of the western boundary of the site. Meadows are situated beyond this boundary, with a number of properties that front London Road situated further to the west. A landscaped embankment also runs along the western side of Ford Lane. Fields lie to the east on the opposite side of Ford Lane. The southern and northern boundaries are defined by a fence at the foot of the embankments to the M26 and M20, respectively. The embankments are planted out with trees and shrubs of various heights.

**4. Planning History (relevant):**

TM/14/04242/EASC screening opinion EIA 8 January 2015  
not required

Request for Screening Opinion under the Town and Country Planning  
(Environmental Impact Assessment) Regulations 2011: proposed solar farm

**5. Consultees:**

5.1 Wrotham PC: The site benefits from an electrical sub-station being positioned a short distance away. The site is largely enclosed by mature hedgerows with no adjacent residential properties that have site of the area.

5.1.1 The Parish Council is aware that local farmers have experienced economic difficulty in farming the land and this is substantiated by the applicant's soil tests that predominately grade the area as 3b, which is poor for agriculture.

5.1.2 MR249 is a PROW that runs to the south of the site but has been cut off from the rest of the network by the motorways and as a result is a poor quality walk and little used by parishioners.

5.1.3 The Parish Council conducted its own assessment of views of the site from the Pilgrims Way and the Golden Nob and concluded that there were only very limited views of the site from the latter viewing point and none from the Pilgrims Way when trees are in leaf. In addition the solar panels will be sited sloping in a southerly direction, which sites them edge on from these locations minimising their visual impact. WPC notes that the landscape assessment report indicates that as existing hedgerows and new planting is allowed to grow higher the visual impact from this location will be minimal. A public exhibition and consultation was conducted in St George's Hall, Wrotham and to date the Parish Council has received no negative comments from parishioners, which was not the case when a site between Kemsing and Wrotham was proposed last year. WPC has been asked to administrate a community benefit fund to support local parish projects.

5.1.4 Site constraints are MGB and AONB, however it would be difficult to find a site that is better suited for solar power generation. The existing site is substandard for agriculture, isolated and consequently suffers from fly tipping. The benefits of the proposal can be summarised as follows.

- The proposal will bring the land back to a productive use by generating much needed green energy with no carbon emissions.
- The existence of a local substation minimises connection infrastructure.
- The site will be restored, rubbish removed, made secure and the road infrastructure within the site will be improved.
- Hedgerows will be augmented and improved to provide landscape mitigation.
- The Parish Council will administer a community benefit fund that will be audited by the developer.
- The Parish Council is of the opinion that the above listed benefits far exceed any limited harm caused.

5.2 Addington PC: Members resolved to have no objections to the above proposals. Members would like a condition set that the applicant will support local community projects of villages affected by the proposals.

5.3 Platt PC: No objections in principle to this application and feel it is a good use of this land. We assume that there will be no loss of agricultural land status and after the 30 year lease it will resort to agricultural usage, not classed as "previous developed land" for planning purposes. There will be no loss of the natural habitat and it should improve the present scene. It will also prevent unauthorised usage such as polytunnels or traveller sites. The application does not make any reference to the feedback payment that was such a feature in their public presentation. We trust that still applies and would be used for local community projects, such as the 3G Area and the skatepark, which will benefit all our local parishes, including our proposed Village Hall.

5.4 Trottiscliffe PC: At the Parish Council meeting for Trottiscliffe last night Members resolved to agree in principle with the proposed temporary (30 years) change of use from agriculture to agriculture and solar photovoltaic farm subject to sight of a more comprehensive appraisal of the landscape and visual effects. Members are concerned that the current appraisal fails to consider the view from the adjoining M26 and cars travelling on it. Members feel that more landscaping and hedgerows are required to screen the photovoltaic panels from this road.

5.5 EA: We have assessed this application and it is covered by our Flood risk standing advice.

5.6 Kent Downs AONB Unit: The site lies within the Kemsing Vale character area of the AONB. The key characteristics identified for this area include the visual impact of motorways, magnificent views southwards from scarp, large intensively cultivated scarp foot hills and a strong pattern of trimmed hedges and individual mature trees. Design guidelines for this area include conserving the open, large scale of the landscape and views and integrating transport corridors by additional hedgerow, woodland and shaw planting.

5.6.1 While it is acknowledged that the applicant has sought to minimise the impact of the proposal on the surrounding landscape, the AONB Unit nevertheless considers

that the use of this land as a solar farm would challenge the purposes of the AONB designation and as such would not be in accordance with either national or local policy relating to AONBs. Furthermore, we do not consider the proposal to be in accordance with the Kent Downs AONB position statement on Renewable Energy and that it conflicts with the Kent Downs AONB Management Plan.

5.6.2 It is considered that the proposed solarvoltaic farm would have a detrimental impact on the Kemsing Vale Landscape Character Area of the Kent Downs AONB. The application proposals would weaken the characteristics and qualities of natural beauty and landscape character and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty.

5.7 Highways England: Comments awaited.

5.8 KCC (Highways): It is anticipated that there will be a maximum of 6 articulated vehicles accessing the site per day in addition to the movements of staff and contractors. It is not expected that this level of movements will lead to a significant impact on the highway. Parking is provided on site, as well as loading/unloading and turning facilities, which will ensure all vehicles can enter and exit the site in a forward gear. The internal access road is not within the red line on the plans, which indicates that it is not within the ownership of the applicant. Before any changes are made the applicant should ensure that any permissions required have been given. The applicant has provided tracking diagrams of the site entrance to show that the largest anticipated vehicle can safely access and exit the site. I do not wish to raise objection on behalf of the local highway authority subject to suggested conditions.

5.9 KCC (Heritage): The site lies within an area of broad archaeological potential associated with prehistoric and early medieval activity. There is a Bronze Age barrow Scheduled Monument to the north and further Bronze Age burials have been located to the north east. Neolithic and Bronze Age flints were located during motorway infrastructure works in this area. Iron Age activity sites are known to the north west and north east. Anglo Saxon remains are known to the north and Ford Place, to the south may be of medieval origins. Although this site may have been disturbed by the construction of the M20 and M26, there is potential for as yet unidentified archaeology to survive on the site. As such a condition on any forthcoming consent is recommended.

5.10 KCC (SUDS): We have no objection to the principle of the construction of a solar array at this location; however, we do not consider the FRA fully addresses the impact of additional runoff which is likely to arise. There are three issues to be considered from development of solar farms on Greenfield sites; these are:

- Increased surface area of impermeable surfaces resulting in increased rates of runoff
- Displacement of flood flows

- Soil erosion leading to reduced capacity of watercourse channels downstream.

5.10.1 In light of the above, we would request that the suggested conditions be attached if your Authority is minded to grant permission.

5.11 KCC(PROW): Public Rights of Way MR249 footpath runs inside the southern boundary of the site and should not affect the application.

5.12 Natural England: In respect to protected landscapes, Natural England does not wish to comment on this development proposal. The application and associated documents have not been assessed for impacts on protected species.

5.13 Kent Wildlife Trust: No objection, in principle, to the proposed development. Indeed, the Trust recognises that climate change poses a grave threat to wildlife and that renewable energy schemes, such as solar farms, will play an important role in combating this threat. I do, however, urge the Council to attach conditions, to any planning permission it is mindful to grant, to secure the following matters.

- The submission for approval of a Construction Environmental Management Plan (CEMP) which should include confirmation of the arrangements for measures to minimise the risk of ground compaction.
- The submission for approval of a De-commissioning Working Practices Procedure which should include measures to minimise the risk of ground compaction and indicate the intended ground treatment for the proposed after-use.
- The submission for approval of a Landscape and Ecological Management Plan which should include measures (if any) necessary to achieve a reduction in the fertility of the ground (in preparation for sowing the wildflower seed mix); confirmation as to the use of native planting species of local provenance for the seed mix and tree/hedgerow planning; and confirmation that field margins will be retained, as envisaged in the studies supporting this application.
- Implementation of the agreed Construction, Decommissioning and Landscape documents.

5.14 CPRE Kent: CPRE Committee Members have attended the public consultation and visited the site with this in mind and formed the following conclusions:

- The site is enclosed by roads and largely the confluence of two motorways.
- It is surrounded by significant hedgerows that the applicant seeks to enhance.
- The ground is of poor quality and largely conforms to CPRE policy that grade 3B is acceptable for alternative green energy uses.
- There is a locally located electrical installation that is capable of providing connection to the grid with the minimum of disruption.

- The site is currently unused, subject to fly tipping and crossed by electricity pylons.

5.14.1 CPRE considers this is a finely balanced argument because our organisation values the protection given to the openness of the MGB and the intrinsic value of beauty of the AONB. However we also accept the need for green energy that does not add to global warming. We consider that this is a small isolated site that is hemmed in by motorways which does not impact on the amenity of local residents. The land is of poor agricultural quality and due to the orientation of the solar arrays and the maturing hedgerow mitigation it will have a minimal effect on long distance views, particularly over a five year time span. We therefore are of the opinion that the clean energy that this proposal will generate is an exceptional circumstance that overcomes the relatively minimal harm to the AONB.

5.14.2 This particular site is exceptional in its physical and geographical characteristics that suit it for power generation over agricultural uses and does not constitute a precedent for similar proposals within the AONB. If the LPA is minded to consent the application we would ask that it be conditioned that the land be returned to agricultural use after the temporary use has expired and not to be considered a brownfield site.

5.15 Sevenoaks District Council: The solar farm would constitute inappropriate development in the Green Belt harmful to its openness. It is therefore recommended that the determining Authority give careful consideration to whether or not there are any Very Special Circumstances which have been advanced which they consider would clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm.

5.15.1 The site is located within the Kent Downs AONB where landscape sensitivity is acknowledged as very high. The NPPF indicates that major development in these areas should be refused except in exceptional circumstances and where it can be demonstrated that it is in the public interest. It is therefore recommended that the determining Authority give careful consideration to this by assessing the need for the development, the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated as indicated at paragraph 116 of the NPPF.

5.16 Gravesham Borough Council: No comment to make.

5.17 Private Reps (3/3S/0R/0X + Departure, Site and Press Notices): The 3 representations received, from the Tonbridge and Malling and Sevenoaks Friends of the Earth groups are in support of the proposed development.

**6. Determining Issues:**

- 6.1 An EIA screening opinion was sought by the applicant (TM/14/04242/EASC) for the proposed development. It was determined that EIA was not required in January 2015.
- 6.2 This is a change of use application involving large scale plant which is not defined as appropriate in the Green Belt in the NPPF. However, paragraph 98 of the NPPF acknowledges that even small-scale renewable/low carbon energy projects provide a valuable contribution to cutting greenhouse gas emissions and applications for such development should be approved if its impacts are, or can be made, acceptable, unless material considerations indicate otherwise.
- 6.3 The application site is in the Green Belt and therefore Section 9 of the NPPF applies. Paragraph 89 within this Section advises that the construction of new buildings should be regarded as inappropriate in the Green Belt. The proposed development contains a number of ancillary buildings that would not comply with any of the exceptions outlined in paragraph 89. In terms of these associated buildings, the development would therefore be inappropriate development also.
- 6.4 Paragraph 87 of the NPPF advises that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”
- 6.5 Paragraph 91 of the NPPF also acknowledges that “when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”
- 6.6 Paragraph 88 of the NPPF states that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.
- 6.7 The development comprises built form including substantial plant in the form of extensive arrays of solar panels mounted on metal frames, a number of modest sized buildings for the storage of equipment, CCTV poles and fencing which would result in harm to the openness of the Green Belt.
- 6.8 The solar panel arrays are to be 2.7m high above ground level, set at an angle facing south and contain photovoltaic cells designed to absorb light and minimise glare. The 6 ancillary buildings are relatively modest in their size being mostly flat roofed of a height between 2.6m and 3.5m. The fencing is to be 2m high and of a mesh design. The built elements would be of a generally low profile but would

cover a large area of the site; approximately the north-western half. The site is contained within the roadside/motorway embankments that align the south, north and east boundaries of the site. These embankments are generally well landscaped. The development, although quite well screened, would be visible from a number of vantage points surrounding the site to various degrees, in particular, from the two Motorways, Ford Lane and from long distance from the North Downs. This would cause some harm to the landscape and visual amenity of the area.

- 6.9 The most visible positions are likely to be from the M20 and M26 travelling east and from Ford Lane travelling south over the bridge across the M20. The M26 is raised much higher than the level of the site and therefore vehicles travelling in this direction would have ready views through the roadside vegetation, and the solar panels face towards this Motorway. The M20 slopes down from a higher point in the landscape from the west and the roadside bank that runs adjacent to the northern boundary of the site at this point, is less densely landscaped. This would provide ready views from vehicles travelling in this direction. However, the views would be mainly of the rear and side of the solar panel arrays which would be less noticeable. The views from both Motorways travelling west are considered to be less prominent. The Ford Lane bridge over the M20 and the roadside bank which is well landscaped along its eastern section would prevent ready views of the development. The southwest direction of the M26 focuses views away from the development which limits the range of visibility from this direction. Longer range views of the development would be possible from the higher vantage points to the north. However, these views would be to the rear elevations of the solar panel arrays, the substantial built infrastructure of the Motorways and landscaping along the motorway corridor would intervene. Therefore, I do not consider that this would cause an unacceptable level of visual harm from this point. The development would be thoroughly screened from view from development to the west from mature shaws that define the western boundary of the site.
- 6.10 PROW footpath MR249 extends through the site more or less following the southern boundary adjacent to the M26. Due to its proximity to the M26 and its disconnection from other areas of interest, this PROW is seldom used. Another PROW MR238 has been mentioned which extends higher up the escarpment towards Gravesend Road. However, I do not consider that the development would be overly visible from such PROWs or other public viewing points to the north given the intervening vegetation along the Motorway corridor and other intervening landforms.
- 6.11 The submitted Landscape Visual Impact Assessment (LVIA) concludes that the proposed development will be entirely contained within the existing landscape pattern and will be visually well contained. I am in general agreement with this conclusion. The development will not alter the gentle undulating topography of the land and would have a minimal effect on the landscape of the site, with only localised works necessary by way of the provision of access tracks, underground

cabling and the ancillary buildings. The existing hedgerow, trees and landscaping on the site are to be retained other than several small poor quality trees within the centre hedgerow, which are to be removed. The small water course on the site will be unaffected. To reinforce the character of the landscape the planting of additional hedgerows and native wildflowers and ground cover is proposed. An appropriate landscaping scheme can be secured by a condition attached to any permission granted.

6.12 Overall, although the development would cause some level of harm to the visual amenity of the area and landscape character, given the existing significant physical intervention of the M20 and M26 Motorways, the orientation the rows of solar panel arrays, low profile of the development, the high level of screening of the site that exists from the roadside embankments and established landscaping and additional plantings to reinforce the landscape character that have been proposed, I do not consider this harm would be significant. The development would therefore satisfactorily accord with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy (TMBCS) and SQ1 of the Managing Development and the Environment Development Plan Document (MDEDPD).

6.13 The site is located within the Kent Downs AONB, within its far southern extent which ends at the M26. Paragraphs 115 and 116 of the NPPF advise that great weight should be given to conserving landscape and scenic beauty in AONBs and that planning permission should be refused for major developments in such a designated area except in exceptional circumstances and where it can be demonstrated they are in the public interest. CP7 of the TMBCS also reflects this policy. The proposed development is a major development but I consider that exceptional circumstances exist in this specific case. The site, although within the AONB, is situated between two motorways that provide both a major physical presence that significantly affects the landscape and scenic beauty of this area of the AONB. The level of tranquillity of this part of the AONB is also significantly diminished as a result of the aural impact of the motorways. The position of the site between the merging Motorways and the resultant segregation of the land from surrounding land, as well as the site's proximity to an existing electricity substation, is considered to provide appropriate justification for the proposed use of land in this designated area instead of land in a more open countryside setting that would arguably have a more harmful visual impact in the public domain. I also consider that the resultant benefits of the proposed renewable energy scheme in respect to reducing greenhouse gas emissions and the spin-off benefits to the local economy from its implementation could be significant. I also consider that it has been shown within the details of the application that the impacts on the environment and landscape from the development can be appropriately mitigated. The recreational opportunities within the site in respect to the PROW would not be adversely affected as the motorways have rendered this footpath relatively undesirable to use. Views from other PROWs further up the North Downs would be sufficiently screened by intervening vegetation along the motorway corridors. I acknowledge the comments from the Kent Downs AONB Unit objecting to the

development. However, as outlined above, the proposed development is considered to present site characteristics and appropriate mitigation that form exceptional circumstances in this specific case.

- 6.14 Paragraph 112 of the NPPF directs that if development of agricultural land is demonstrated to be necessary then areas of poorer quality land should be sought and not higher quality land. A report analysing the quality of the agricultural land has been submitted. It suggests that 78% of the land is Grade 3b (moderate quality) with the remaining 22% being Grade 3a (good quality). Solar farms will generally need to be located on agricultural land and in this case I am satisfied that the land is of relatively poor quality and therefore the development would not conflict with this policy.
- 6.15 The submitted ecological and great crested newt survey concludes that the development would result in adverse impacts upon a number of ecological receptors but a comprehensive range of avoidance and mitigation measures have been proposed to limit impacts. The important habitats on the site include woodlands, trees, hedgerows and drainage ditches all of which are to be retained. Additional hedgerow creation has been recommended to ensure that appropriate protection is provided for badgers, bats, dormice, great crested newts and reptiles. I consider that with the implementation of the suggested recommendations for both mitigation and ecological enhancements outlined in Section 7 of the survey that the impacts on biodiversity of the site and the local area from the development can be minimised. Conditions on any permission granted would include a construction environmental management plan to detail protection during the construction phase and also a landscape and ecological management plan to manage the retained and enhanced habitats to maximise biodiversity. The proposal would therefore satisfy Policy NE2 of the MDEDPD and paragraph 117 of the NPPF.
- 6.16 The development would generate up to 5100MWh of electricity per year which is sufficient to power about 1200 homes. The applicant has stated that this renewable energy source would save about 2175 tonnes of carbon dioxide per year that would be generated by traditional fossil fuels. Notwithstanding the embodied energy and resources in manufacturing the parts, paragraph 98 of the NPPF concludes that this would contribute to reducing greenhouse gases and therefore help mitigate the effects of climate change. The development would provide opportunities for rural businesses that would support the regional economy.
- 6.17 A Heritage Desk-Based Assessment has been submitted. It concludes that the potential effects of the development would not harm the heritage significance of the Scheduled Bowl Barrow at Trottiscliffe, the Grade II\* Listed buildings of Ford Place or Nepicar House or the Grade II Listed Hognore Farmhouse and would result in only a small degree of harm to the significance of the Wrotham Water Conservation Area to the north due to a change to its wider setting. I am in

agreement with these conclusions. The report also advises that the site would have a low potential for archaeological remains. However, the County Archaeologist has reviewed the scheme and has advised that the site lies within an area of broad archaeological potential associated with prehistoric and early medieval activity. As there is potential for unidentified archaeology to survive on the site, a condition requiring an archaeological field evaluation and measures to safeguard any archaeological remains is suggested. I consider this to be appropriate given the nature and scale of the development. Therefore, subject to the mentioned condition, I am satisfied that the development would result in less than significant harm to the significance of designated heritage assets in the area and that the public benefits of the scheme would outweigh this harm. The proposal would therefore accord with paragraph 134 of the NPPF.

- 6.18 The Local Highway Authority has reviewed the scheme and the submitted traffic and construction plan and has raised no objection on highway grounds. It is proposed that a maximum of 6 articulated vehicles would access the site per day during the construction period (56-84 days) in addition to movements of staff and contractors. It was concluded that this level of movement would not result in any significant impact on the highway network. A construction compound area for parking, loading and unloading and turning facilities has been allocated to the east of the main access road for this construction period which would ensure that all vehicles can enter and exit the site in a forward gear. There will only be 2-3 visits per quarter to the site in a small vehicle (van or car) once the facility is operational for maintenance and checks. The main access to the site from Ford Lane was once a Class C road connecting Wrotham Water Road prior to the construction of the M20. The applicant has provided swept path tracking diagrams for the largest articulated vehicles that will be entering and exiting this access road from Ford Lane. These are considered to show that these vehicles can be accommodated. Accordingly, I am satisfied that the development would not result in any significant harm to highway safety in the area. The proposal therefore accords with policy SQ8 of the MDEDPD and paragraph 32 of the NPPF. The Traffic and Construction Plan does not provide details of the construction compound and its restoration once the facility is operational. A suitable condition can be imposed requiring approval of such details prior to commencement of the development.
- 6.19 The application site adjoins land that is part of the M20 and M26 Motorways which are under the remit of Highways England who have been consulted and comments are awaited. The main effect of the scheme on the Motorways relates to impact from glare and potential visual distraction. The main access road into the site also appears to be under the ownership of Highways England. I do not consider these issues to be critical to the merits of the scheme as they can be reasonably mitigated. So not to unnecessarily delay determination of the application, any recommendation for approval of the application can be made subject to no adverse comments being received from Highways England.

- 6.20 A Flood Risk Assessment (FRA) has been submitted. The FRA concludes that as the site is within Flood Zone 1, the development would not increase flood risk on the site or adjacent areas. The Lead Local Flood Authority has reviewed the scheme. No concern has been raised in respect to displacement of flood flows or loss of flood storage arising from the development. However, it advises that the FRA does not fully address the impact of runoff and that more formal drainage arrangements should be provided to accommodate the potential increase in runoff from the solar panels. Measures should also be put in place to minimise the risk of soil erosion beneath each row of solar panels and to direct the concentrated surface water runoff to storage areas. No objection has therefore been raised subject to conditions being imposed on any subsequent permission relating to measures to manage surface water runoff, management of a sustainable drainage scheme and no infiltration of surface water into the ground being permitted. The proposal therefore accords with paragraph 103 of the NPPF.
- 6.21 The development is inappropriate development which, by definition, is harmful to the Green Belt. The harm to openness from the overall area and degree of continuous coverage of the land as a result of the solar farm installation would be significant, as would the small amount of material harm to the visual amenity and landscape character of the area and to the local ecology and historic environment.
- 6.22 However, a number of important material considerations, discussed in the above sections of the report, when taken together, are considered to provide substantial weight that would be sufficient to overcome the harm that the development would have on the Green Belt and thus amount to very special circumstances. The solar farm will provide a substantial amount of low carbon renewable power that will contribute to reducing greenhouse gas emission, which carries significant weight. The installation is to be sited very close to an existing electricity substation and therefore the green power generated can be connected directly to this existing facility and the national grid, minimising cabling needs and additional disruption to the landscape. This locational benefit is considered to be substantial. The site's location between two major motorways brings with it a significant level of existing harm to openness, visual amenity and landscape character, as well as to the setting of nearby historic assets. A series of above ground electricity power lines and poles currently transverse the application site from the main substation, providing a further level of existing visual harm to the site. The installation would also provide support to the local and regional economy and enhancement to biodiversity in the area. On balance, I consider these material considerations and unique site circumstances to be sufficient to clearly outweigh the harm that the development would have on the Green Belt by reason of inappropriateness, taking into account all other harm mentioned, and therefore amounts to a case of very special circumstances.
- 6.23 Members may wish to note that the representations received show that there is wide spread support in the community for the development. This has included support or no objection from Wrotham, Addington, Trottiscliffe and Platt Parish

Councils, CPRE, KWT and both Tonbridge and Malling and Sevenoaks Friends of the Earth Groups.

6.24 In light of the above, I consider that the proposed development satisfactorily accords with the relevant provisions of the Development Plan and NPPF and therefore approval is recommended. However, it is a significant departure from the Development Plan and therefore warrants referral to the National Planning Casework Unit.

## **7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Planning Statement received 07.09.2015, Statement of community involvement received 09.09.2015, Location Plan received 23.07.2015, Site Plan GE-SL-175-PL R03 received 23.07.2015, Plan G.0248\_02-A Landscape Designations received 23.07.2015, Plan SCREENED ZONE Theoretical Visibility received 23.07.2015, Design and Access Statement received 23.07.2015, Ecological Survey received 23.07.2015, Soil Report AGRICULTURAL LAND CLASSIFICATION received 23.07.2015, Flood Risk Assessment received 23.07.2015, Desk Study Assessment HERITAGE received 23.07.2015, Survey G.0248\_05-A Tree Survey received 23.07.2015, Schedule TREE received 23.07.2015, Topographical Survey A124/8321/1B received 23.07.2015, Topographical Survey A124/8321/1A received 23.07.2015, Cross Section GE-AT-175-PL R01 Access Track received 23.07.2015, Proposed Plans and Elevations GE-SUB-175-PL R01 Client Substation received 23.07.2015, Proposed Plans and Elevations GE-DNO-160-PL R01 DNO Substation received 23.07.2015, Details GE-SF-175-PL R02 Site Fence received 23.07.2015, Plan GE-ST-175-PL R01 Storage Container received 23.07.2015, Plan GE-SC-175-PL R01 Communications Link received 23.07.2015, Plan GE-EL-175-PL R01 Site Elevations received 23.07.2015, Plan GE-CL-175-PL R01 Site Clearances received 23.07.2015, Plan GE-SC-175-PL R02 CCTV received 23.07.2015, Proposed Plans and Elevations GE-EL-175-PL R02 Inverter/Transformer received 23.07.2015, Visual Impact Assessment LANDSCAPE received 19.08.2015, Email SUPPORTING INFORMATION received 16.10.2015, Report TRANSPORT/CONSTRUCTION received 24.08.2015, Email + PHOTOS received 23.10.2015, Email SWEPT PATHS received 23.10.2015, Email + LETTER received 26.10.2015, Email received 26.10.2015, subject to the following:

- Consultation with Highways England and no adverse comments being received;
- Referral of the application to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009;
- The following conditions, and any others required by Highways England.

## **Conditions / Reasons**

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include details about site preparation, ground anchoring, any ground re-profiling, trenching and service runs, vehicle manoeuvring areas and the temporary construction/storage compound, including its layout and restoration once the solar farm is operational. It shall also include details about the measures to protect existing trees and hedgerows to be retained during construction and operation of the solar farm. The development shall be carried out in accordance with the approved Statement and details.

Reason: To protect the local environment

- 3 Development shall not commence until a Decommissioning Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include a timetable and measures for decommissioning and removal of all panels, plant, buildings, fencing and ancillary equipment from the land when the solar farm ceases to be operational and restoration of the land to agriculture. The decommissioning and land restoration works shall be carried out in accordance with the approved Statement and details.

Reason: The works are expected to have a limited life, permission has been sought for a limited period, and any adverse effect on agricultural production would be for a limited period.

- 4 The planning permission hereby granted is for a period from the date of this decision until the date occurring 30 years after the date the development commences, when the use shall cease and the solar panels and all ancillary buildings and equipment shall be removed from the site in accordance with the Decommissioning Method Statement approved pursuant to Condition 3.

Reason: To ensure that the approved development does not remain in situ beyond the projected life of the equipment installed in the interests of the visual amenity and character of the surrounding landscape.

- 5 Development shall not commence until a Construction Environmental Management Plan detailing how the habitats within and surrounding the site will be protected during the construction phase. This shall also include details of appropriate fencing to restrict access into key ecological areas, information on any timing restrictions and measures to prevent damage to sensitive ecological habitats. The development shall be carried out in accordance with the approved Management Plan.

Reason: To safeguard protected species and protect the biodiversity of the local area.

- 6 Development shall not commence until a Landscape and Ecological Management Plan that details how the retained habitats and newly planted areas are to be managed to maximise their biodiversity value and achieve the objectives of ecological mitigation and compensation, which shall set out any measures necessary to ensure protected species are appropriately accommodated within the operational site. The development shall be carried out in accordance with the approved Management Plan.

Reason: To safeguard protected species and protect the biodiversity of the local area.

- 7 The development shall be carried out in strict accordance with Section 7: Assessment and Recommendations for Mitigation and Enhancement outlined in the Ecological Survey & Great Crested Newt Survey (Clarkson & Woods Ecological Consultants, July 2015), unless any variation has been approved in writing by the Local Planning Authority.

Reason: To safeguard protected species and protect the biodiversity of the local area.

- 8 Unless otherwise approved in writing in advance by the Local Planning Authority, no construction or decommissioning works shall take place except between the following hours: 0800 to 1800 Monday to Friday, and 0800 to 1300 Saturday. No construction or decommissioning works shall take place at any time on Sunday or a Bank Holiday without prior written approval from the Local Planning Authority.

Reason: To minimise impact on neighbouring amenity.

- 9 The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of visual amenity.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure shall be erected other than that which has been expressly authorised by this permission.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of visual amenity.

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

- a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- b) following on from the evaluation, 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.

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

- 12 No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any lighting / floodlighting shall be installed in accordance with the approved details.

Reason: In the interests of the amenity of the locality

- 13 The Public Rights of Way MR249 through the site shall be kept clear and unobstructed at all times throughout the construction and operational phases of the development hereby permitted, and a useable width of 2 metres shall be available at all times for lawful footpath users.

Reason: To retain the right of access for users of the Public Right of Way.

- 14 No development shall take place until a scheme of sustainable drainage demonstrating that measures will be in place to manage surface water runoff from the solar panels and associated buildings and infrastructure, using appropriate sustainable drainage techniques, has been submitted to and approved by the Local Planning Authority. The scheme shall also include details of the implementation, maintenance and management of the sustainable drainage measures, including:

- a) a timetable for its implementation; and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal to ensure ongoing efficacy of the drainage provisions and to prevent an increased risk of flooding.

- 15 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 16 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within the life of the planning permission shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 17 The existing trees, woodland and hedgerows shown on the Tree Survey & Constraints Plan (Drg.No.G.0248\_05-A), other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for the life of the planning permission.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

Contact: Mark Fewster