

# Planning Statement for Planning Application for Solar Development and Associated Works.

Land at Chimmens Solar Farm, Mussenden Lane.

On behalf of RES Ltd.

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## Document Management.

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# 1. INTRODUCTION

- 1.1. This statement has been prepared by Pegasus Group on behalf of the applicant, RES Ltd, in support of the planning application for the construction and operation of a solar farm at Chimmens Solar Farm, Mussenden Lane, Longfield, Kent DA3 8NJ.
- 1.2. Following a description of the site, consideration is given to the proposed development. The report assesses the proposal in relation to relevant planning policy and shall demonstrate that the application is in accordance with the Development Plan. This statement draws conclusions as to the suitability of the proposal for the granting of planning permission in the context of the Development Plan and taking into account any material considerations.

## Who are RES Ltd?

- 1.3. Renewable Energy Systems (RES) Ltd is the world's largest independent renewable energy company with 40 years' experience developing, constructing and operating renewable assets. RES has delivered more than 23GW of renewable energy projects across the globe and support an operational asset portfolio of over 12GW worldwide.
- 1.4. The Group's head office in Kings Langley, near London, is complemented by other offices across the UK including Glasgow, Cardiff, Gateshead, Exeter, Truro, Guildford, Rugby and Larnie, with engineers working across the UK. Internationally, RES has overseas subsidiary offices in France, Scandinavia, Turkey, Germany, Spain, Portugal, Australia, Canada, and across the USA. The RES Group employs 3,000 staff.
- 1.5. Within United Kingdom and Ireland, RES has the expertise to develop, construct and operate solar farms of outstanding quality. RES track record has given them a reputation for excellence that is second to none and have achieved significant success in the solar energy market. This is demonstrated with planning consent achieved in summer 2022 for Derril Water<sup>1</sup> (42MW).

## Pre-Application Discussions

- 1.6. A request for pre-application advice was submitted to Sevenoaks District Council in January 2023 (Reference SE/PA/23/00003). A meeting was held on 24 February 2023 with Sean Mitchell (Case Officer) and subsequent written advice issued on 23 May 2023 (Appendix 1).
- 1.7. When considering the development, it was acknowledged that the principal of the proposed development was generally accepted, subject to addressing a range of environmental matters.

## EIA Screening

- 1.8. An EIA Screening Request was made under Regulation 6 of the Town and Country Planning (Environment Impact Assessment) Regulations 2017, to determine whether the proposals comprised EIA development and the requirement of an Environmental Statement. This submission was made in May 2023 (Reference 23/01408/RG5). The Screening Decision from

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<sup>1</sup> <http://derrilwater-solarfarm.co.uk/>

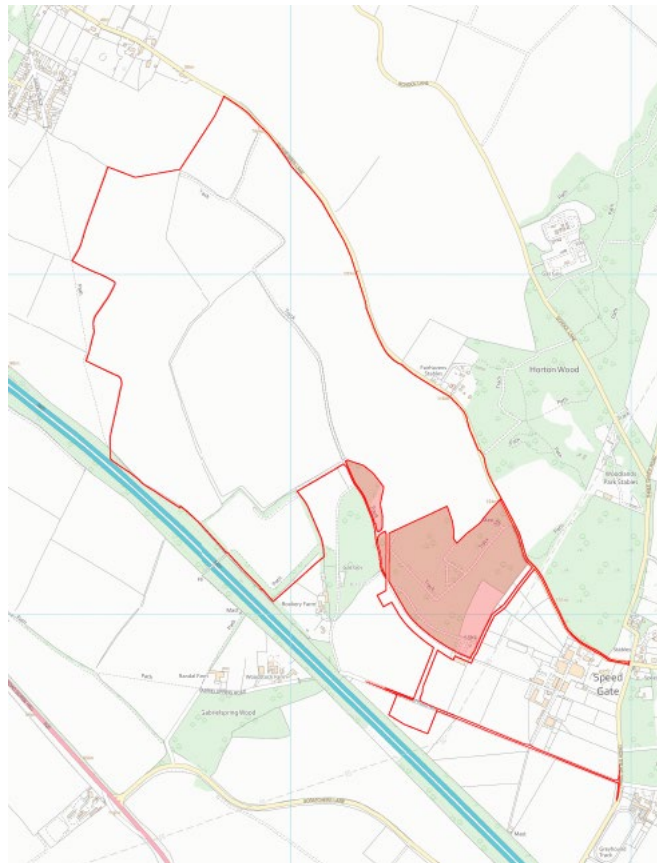


Sevenoaks District Council outlined that it is the Authority's opinion that an EIA submission is not required (dated 20 June 2023).

- 1.9. Due to an amendment to the scheme, a further Screening Request was submitted to the Council in August 2023 (Ref 23/O2505/RG5). The Council maintained their approach to the scheme as not requiring an EIA submission in their later dated 11 October 2023.

## 2. SITE DESCRIPTION AND CONTEXT

- 2.1. The site is located on land at between Mussenden Lane and the M20 (refer to Figure 1 – Site Location Plan and Context Plan below). Chimmens Solar Farm comprises approximately 99 hectares of agricultural land and our client is currently investigating the potential for solar development within the site.



**Figure 1 – Site Location and Context Plan**

- 2.2. The site has been assessed for its suitability and has available grid capacity with a connection proposed within the site to the existing 132kv grid infrastructure. Furthermore, it is considered that the site is suitable for renewable development following initial feasibility works with an engaged landowner.

### Relevant Planning History

- 2.3. A review of the Council's planning application portal identified no relevant planning history on the site. The application history related to the existing farmsteads located within and adjacent to the site.

### Context

- 2.4. In light of the drive toward net zero, combatting climate change and electrifying the economy, there is a clear need for the deployment of solar farms and other renewable energy



generation, which is driven by a plethora of government legislation at both a local and national level in the UK.

- 2.5. In June 2019, the UK became the first major economy to implement a legally binding net zero carbon emissions target by 2050<sup>2</sup>. Decarbonising the power sector is integral to achieving this target and requires major investments into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.
- 2.6. The National Infrastructure Committee (NIC), official advisor to the Government on Infrastructure, has published a report (Net-Zero Opportunities for the Power Sector, March 2020<sup>3</sup>) setting out the key infrastructure requirements needed to meet the UK's 2050 net-zero target, including the amount of renewable energy development that would need to be deployed. The NIC recommends that in meeting these targets, the UK's energy mix needs to be made up of around 90% renewables. The NIC recommends that across all scenarios, significant levels of solar, onshore wind and offshore wind will need to be deployed with between 129–237GW (gigawatts) of renewable energy capacity in operation by 2050. Furthermore, the British Energy Security Strategy<sup>4</sup> published in April 2022 states that solar deployment will increase five-fold by 2035.
- 2.7. Unlike many other Local Authorities, Sevenoaks District Council has not yet declared a climate emergency. It is however recognised that the Council have a Net Zero 2030 Commitment in which it is stated that the Council have committed to working toward achieving net zero carbon emissions by 2030.
- 2.8. The Net Zero 2030 Action Plan for 2022/23<sup>5</sup> states that the Council have committed to a number of actions to mitigate the impacts of climate change in the District. These include but are not limited to:
  - Engaging with the community providing support and encouragement;
  - Improving water and energy efficiency measures;
  - Delivering our plans and strategies to align with our commitment to reaching net zero by 2030;
  - Encouraging and supporting sustainable new buildings and renewable energy generation.'

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<sup>2</sup> <https://www.legislation.gov.uk/ukdsi/2019/9780111187654>

<sup>3</sup> <https://nic.org.uk/studies-reports/net-zero-opportunities-for-the-power-sector/>

<sup>4</sup> <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy#renewables>

<sup>5</sup> [https://www.sevenoaks.gov.uk/info/20069148/climate\\_change\\_-\\_net\\_zero\\_carbon\\_council/618/climate\\_change\\_-\\_net\\_zero\\_2030\\_commitment](https://www.sevenoaks.gov.uk/info/20069148/climate_change_-_net_zero_carbon_council/618/climate_change_-_net_zero_2030_commitment)

### 3. PROPOSED DEVELOPMENT

3.1. The proposal is for the construction and operation of a solar (PV) farm on land at Chimmens Solar Farm, Mussenden Lane. The development would have the capacity of up to 49.9 MW of renewable energy.

3.2. The description of development is as follows:

***"Construction and operation of a solar farm with all associated works, equipment, necessary infrastructure and biodiversity net gains."***

3.3. The solar farm would consist of solar PV panels on metal arrays arranged in rows, allowing for boundary landscaping, perimeter fencing and site access, as detailed on the submitted Infrastructure Layout (Figure 4 – O5009-RES-LAY-DR-PT-003). The panels will have a maximum height of 3.6m. The arrays are spaced a minimum of 2 meters apart (subject to topography) to avoid any shadowing effect from one panel to another. Construction of the development is anticipated to take 12 months. Further detail of the construction phase is provided in the Construction Traffic Management Plan (CTMP) submitted in support of the application. The development will have an operational life of 40 years, after which time it will be decommissioned, the equipment will be removed and the land restored to its original condition with the landscape mitigation retained on site. Decommissioning is anticipated to take 12 months.

3.4. The application comprises a number of agricultural field enclosures, approximately 99 hectares. The scheme will produce up to 49.9MW of renewable energy. See Figure 3 (O5009-RES-MAP-DR-PT-003) for field numbers and Figure 4 (O5009-RES-LAY-DR-PT-003) and Figure 5 (O5009-RES-LAY-DR-PT-004) for the Infrastructure Layout. The following features are anticipated to be included as part of the proposed solar development:

- The installation of fixed-tilt, bi-facial, ground mounted solar arrays running from east to west across the site, as shown on Figure 8 (O5009-RES-SOL-DR-PT-001) 'Typical PV Module and Rack Detail'. The solar arrays will be maximum 3.6m in height including a minimum 0.7m ground clearance to allow for dual purpose renewable energy generation and agricultural sheep grazing. The solar panels will be angled at approximately 10-30° to the horizontal, in order to capture maximum radiation. Furthermore, the solar panels will have a non-reflective surface, which will increase the proportion of radiation absorbed, removing the risk of unwanted reflection and glare;
- Invertors/transformer units which will convert the Direct Current (DC) into an Alternating Current (AC) which is compatible with the National Grid;
- Battery storage units;
- Independent Distribution Network Operator (iDNO) substation;
- Grid connection to the existing overhead powerlines within the site;
- Internal access tracks, to allow for the construction and maintenance of the solar panels;



- As the proposed solar farm will require little maintenance, the site will be unmanned. In order to protect the installation, an unobtrusive deer fence will be installed around the perimeter of the site. CCTV cameras with infra-red lighting will be installed, where required, on the perimeter fence;
- Additional landscaping including hedgerow planting and improved biodiversity management. Limited waste will be produced and almost all elements are recyclable; and
- The operational lifetime of the proposed development is 40 years and is therefore considered to be a temporary project.

3.5. The inclusion of battery energy storage units as part of the proposed solar farm is to help increase the flexibility and generation opportunities for Chimmens Solar Farm.

3.6. Energy storage will be a key part in managing the increasingly complex supply and demand needs of the 21st Century. The grid network must be finely balanced; electrical demand must match electrical generation at all times. If this balance is not achieved, it can lead to blackouts and the failure of grid circuits.

3.7. The addition of battery storage units would enable excess generation from the solar farm to be stored, then released back to the grid network during times of no or low generation from the solar panels.

3.8. It is proposed to include 2 x battery storage containers each measuring 6m x 2.5m x 3m (length x width x height) at each inverter location. Each inverter location will include the following equipment (as shown on Figure 4 – 05009-RES-SOL-DR-PT-003):

- Hardstanding (for set down);
- 1 x inverter which includes: inverter and busplus cabinet, and transformer. Each inverter is approx. 3m width x 5m length x 3m height;
- 4 x DC Converter cabinets; and
- 2 x battery storage containers (with HVAC) attached at the short end. Each container is approx. 2.5m width x 6.5m length x 3m height.

3.9. The battery containers are typically modified ISO-style shipping containers set on concrete foundations, with heating ventilation and air conditioning (HVAC) units. The containers are generally finished in a shade of white or grey.

3.10. The site has been assessed for its suitability and has available grid capacity with a connection proposed within the site to the existing 132kV grid infrastructure. Following the results of recent environmental and engineering surveys, we have included a minor change to the red line boundary in the south eastern side of the project and identified a location adjacent to the northern boundary of the M20 and adjacent to the existing grid infrastructure for grid connection. This location will benefit from the existing vegetation along the highway and additional screening proposed by the Chimmens Solar Farm.

3.11. Care has been taken to retain existing trees and hedgerows where possible: to retain the character of the local area, to maintain existing visual buffers; and to maintain biodiversity.

3.12. Landscape mitigation proposals, include but are not limited to:

- Offsetting from the existing field boundaries and hedgerow to avoid impact on the root protection areas. A generous buffer has been incorporated to allow for maintenance.
- Physical offsets to be provided between the Public Rights of Way (PROW) (Ref SD333) and the solar infrastructure in the southern fields (Figure 3 – Field 9) of the site. This will retain the public access across the site alongside improvements to amenity as a result of the wider landscape planting delivered by the proposed development.
- Approximately 480m of new native woodland buffer planting on the northern boundary of the site to create new landscaped edge.
- Creation of more than 4000m of new native hedgerow planting accompanied with new native in-fill tree planting edge along existing hedgerows.

#### **End of Life Decommissioning**

3.13. Compared to other power generation technologies, solar parks can be easily and economically decommissioned and removed from the site at the end of their life (40 years) with the site returned to its original form, in this instance: agricultural land. The landscaping delivered by the proposed development will be retained. Decommissioning is anticipated to take 12 months.

3.14. There are several aspects involved with the decommissioning phase. The main activities comprise:

- Removal of PV panels with them taken away for recycling.
- Removal of PV support. With no supporting concrete foundations, these can easily be mechanically abstracted from the ground.
- Removal of inverters and battery storage units with cranes. The prefabricated concrete slab upon which they are supported can be lifted or broken up and removed.
- Removal of cable and ancillary structures.
- Removal of fencing and any ancillary associate equipment.

## 4. PLANNING POLICY CONTEXT

### Legislative Background

- 4.1. This chapter summarises the planning policy and guidance relevant to the development proposed.
- 4.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a key material consideration in the determination of planning applications and also sets out the framework of policies with which up-to-date development plans must be in accordance.

### Development Plan

- 4.3. The current development plan for Sevenoaks District Council comprises the Core Strategy Development Plan (2011) and the Allocations and Development Management Plan (2015). The local policies recognised as relevant to any subsequent application are as follows:

### Core Strategy Development Plan (2011)

- 4.4. The policies relevant to this application are as follows:
- Policy LO1 – Distribution of Development
  - Policy LO8 – The Countryside and the Rural Economy
  - Policy SP1 – Design of New Development and Conservation
  - Policy SP2 – Sustainable Development
  - Policy SP9 – Infrastructure Provision
  - Policy SP11 – Biodiversity
- 4.5. Specifically, Policy SP2 ("Sustainable Development") states the Council's aim to encourage on-site installation and implementation of decentralised, renewable, or low-carbon energy sources.

### Allocations and Development Management Plan (2015)

- 4.6. The policies relevant to this application are as follows:
- Policy SC1 – Presumption in Favour of Sustainable Development
  - Policy EN1 – Design Principles
  - Policy EN2 – Amenity Protection
  - Policy EN4 – Heritage Assets

- Policy EN5 – Landscape
- Policy EN7 – Noise Pollution
- Policy G1 – Green Infrastructure and New Development
- Policy T1 – Mitigating Travel Impact

4.7. The Allocations and Development Management Plan (2015) also states that a Core Strategy Objective is *"to ensure that new development takes account of the need to mitigate and adapt to climate change including principles of sustainable development, which include locating development to minimise energy use, promoting travel patterns that reduce the need to travel by car, and encouraging sustainable construction including measures to reduce energy consumption and promote the use of renewable energy."*

#### Emerging Planning Policy

4.8. It is acknowledged that Sevenoaks District Council are currently in the process of preparing their new Local Plan. A Call for Sites process has been undertaken and reported to the Local Authority Development and Conservation Advisory Committee in March 2022. The emerging Local Plan underwent consultation with the online survey concluding in January 2023. Given the early stage of preparation of this Local Plan, it is not considered that material weight will be given to this document.

#### Neighbourhood Plans

4.9. There are no Neighbourhood Plans affecting the applications site.

#### National Policy

4.10. In June 2019, the UK became the first major economy to implement a legally binding net zero carbon emissions target by 2050. Decarbonising the power sector is integral to achieving this target and requires major investments into renewable technologies, such as solar power, which are supported by planning policy at both local and national levels.

4.11. The National Infrastructure Committee (NIC), official advisor to the Government on Infrastructure, has published a report (Net-Zero Opportunities for the Power Sector, March 2020) setting out the key infrastructure requirements needed to meet the UK's 2050 net-zero target, including the amount of renewable energy development that would need to be deployed. The NIC recommends that in meeting these targets, the UK's energy mix needs to be made up of around 90% renewables. The NIC recommends that across all scenarios, significant levels of solar, onshore wind and offshore wind will need to be deployed with between 129–237GW (gigawatts) of renewable energy capacity in operation by 2050. Furthermore, the British Energy Security Strategy<sup>4</sup> published in April 2022 states that solar deployment will increase five-fold by 2035.

4.12. Furthermore, the Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) acknowledges that electricity generation from renewable sources of energy is an essential element of the transition to net zero. When specifically considering solar development this document outlines at paragraph 2.47.1 that the government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero

emissions. As such solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector.

4.13. In the recent Government Publication 'Powering Up Britain: Energy Security Plan' (April 2023) it was outlined that the strategy to increase supply of low-carbon energy is dependent on enhancing our strengths on wind, solar and nuclear power generation alongside hydrogen production and carbon capture, usage and storage. Furthermore, the report outlines that the UK has huge potential for solar power, with the aim for 70GW of ground and rooftop capacity together by 2035. As such, the Government considers that there is a strong need for increased solar deployment as reflected in the latest draft of the Energy National Policy Statements.

National Planning Policy Framework (NPPF)<sup>6</sup>

4.14. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development in its three dimensions; economic, social and environmental. Central to the NPPF is presumption in favour of sustainable development. For decision taking this means (paragraph 11):

- *Approving proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;*
  - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF; or*
  - *Specific policies in the framework indicate development should be restricted."*

4.15. Paragraph 147 of the NPPF, relating to development proposals affecting the Green Belt outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4.16. Furthermore, Paragraph 148 of the NPPF outlines that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

4.17. Paragraph 151 of the NPPF states 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.

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<sup>6</sup> NPPF 2023 – [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1182995/NPPF\\_Sept\\_23.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf)

- 4.18. Paragraph 152 of the NPPF states that the planning system should support transition to a low carbon future in a changing climate and should support renewable and low carbon energy and associated infrastructure.
- 4.19. Paragraph 154 of the NPPF states that new renewables development should be planned for in ways that:
- a) *avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
  - b) *can help to reduce greenhouse gas emissions, such as through its location, orientation, and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.*
- 4.20. Paragraph 157 outlines that when determining planning applications, local planning authorities should expect new development to:
- a) *comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
  - b) *take account of landform, layout and building orientation, massing and landscaping to minimise energy consumption.*
- 4.21. Finally, Paragraph 158 states that, when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
  - b) *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 expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*
- 4.22. Best and most versatile land is defined within the glossary of the NPPF as "Land in grades 1, 2 and 3a of the Agricultural Land Classification."
- 4.23. Paragraph 174 outlines that planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)*
- 4.24. Paragraph 202 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against

the public benefits of the proposed including, where appropriate, securing its optimum viable use.

National Planning Practice Guidance (NPPG) (first published March 2014)

- 4.25. The Government's web-based NPPG went live on 6th March 2014 and contains guidance on the planning system and has been subject to updating periodically. The web-based guidance should be read alongside the NPPF and is a material consideration in the consideration of planning applications.
- 4.26. Renewable and Low Carbon Energy forms one of the chapters in the NPPG. Paragraph 013 (ID: 5-013-20150327) is entitled "What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?" and sets out the following factors for consideration:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
  - where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
  - that solar farms are normally temporary structure 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 proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) 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. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of largescale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
  - 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.

Overarching National Policy Statement for Energy (EN-1) (July 2011)

4.27. EN-1 was published in July 2011 to set out national policy for energy infrastructure in the UK. Its primary purpose is to be applied to decisions for Nationally Significant Infrastructure Projects, which the Proposed Development the subject of this application is not. It is also confirmed this document can be a material consideration in the determination of planning applications.

4.28. Paragraph 3.4.1 sets out the UK commitments to sourcing 15% of energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, EN-1 states that:

***'It is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable energy electricity generation projects is therefore urgent.'***

4.29. The National Policy Statement sets out how the energy sector can help deliver the Government's climate change objectives by clearly setting out the need for new low carbon energy infrastructure to contribute to climate change mitigation.

4.30. A Draft of NPS EN-1 was published in September 2021. It specifically considers the implications of meeting net zero at Section 2.3 (*page 16*) and explains that the Government's objectives for the energy system are to ensure our supply of energy always remains secure, reliable, affordable and consistent with meeting our target to cut GHG emissions to net zero by 2050. It states that:

***'this will require a step change in the decarbonisation of our energy system.'*** (*paragraph 2.3.2*)

4.31. It further notes that the sources of energy we use will need to change, as fossil fuels still accounted for just over 79% of our energy supply in 2019. It continues:

***'we will need to dramatically increase the volume of energy supplied from low carbon sources and reduce the amount provided by fossil fuels'***" (*paragraph 2.3.4*)

4.32. This statement again reinforces the messages from the plethora of recent government announcements that there is a need to substantially increase low carbon energy generation beyond current rates of deployment.

4.33. Indeed, the NPS continues to explain the 'urgent need for new generating capacity' (*page 28*), that wind and solar are the lowest cost ways of generating electricity, and that the government's

***'... analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar'***. (*paragraph 3.3.21*)

4.34. It is acknowledged that a further draft of this document was published in March 2023. It is however considered that the principles discussed still apply.

National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011)



4.35. EN-3 was also published in July 2011 and sets out the national policy for renewable energy projects. EN-3 should be read in conjunction with EN-1. 4.53 Similar to EN-1, EN-3 sets out the importance of renewable energy in achieving the Government's ambitious targets for renewable energy generation, highlighting that a

***“significant increase in generation from large-scale renewable energy infrastructure is necessary to meet the 15% renewable energy target”.***

4.36. A draft of NPS EN-3 was also published in September 2021. It is again noted that this is a draft document, the contents of which are subject to change, however, it is considered that the guidance set out in this document should be afforded appropriate weight as the latest statement of Government planning policy on solar farms.

4.37. This document confirms that the Government is committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions. The government affirms that

**‘as such solar is a key part of the government’s strategy for low-cost decarbonisation of the energy sector.’ (paragraph 2.47.1).**

4.38. The draft NPS EN-3 explains a number of key considerations involved in the siting of solar farms, and also technical considerations for the Secretary of State to consider. These factors include:

- Irradiance and site topography;
- Proximity of a site to dwellings;
- Capacity of a site;
- Grid connection;
- Agricultural land classification and type;
- Accessibility;
- Technical requirements including, access tracks, site layout design and appearance, security and lighting, project timescales and flexibility;
- Biodiversity and nature conservation impacts and mitigation;
- Landscape, visual and residential amenity impacts and mitigation;
- Glint and Glare impacts and mitigation; and
- Construction impacts and mitigation.

4.39. It is acknowledged that a further draft of this document was published in March 2023. It is however considered that the principles discussed still apply.

UK Government Solar Strategy 2014

4.40. The strategy set out four guiding principles for the Government's strategy for solar PV. The strategy expressed the Government's support for solar projects to proceed as a cost-effective contribution to the UK carbon emission objectives, to deliver genuine carbon reductions, where appropriately sited and responding to the impacts of deployment on grid systems.

Powering Up Britain: Energy Security Plan (April 2023)



- 4.41. In the recent Government Publication 'Powering Up Britain: Energy Security Plan' (April 2023) it was outlined that the strategy to increase supply to low-carbon energy is dependent on enhancing our strengths on wind, solar and nuclear power generation alongside hydrogen production and carbon capture, usage and storage. Furthermore, the report outlines that the UK has huge potential for solar power, with the aim for 70GW of ground and rooftop capacity together by 2035.
- 4.42. Within this document it is detailed that the government seeks large scale ground-mounted solar deployment across the UK. It also acknowledges that solar and farming can be complementary.

## 5. ASSESSMENT OF PROPOSED DEVELOPMENT

- 5.1. The following section of this report assesses the development proposals against the policies of the Development Plan, the NPPF and NPPG. It is considered that the key issues in the determination of the application are the principle of development, the impact upon landscape, amenity and biodiversity, highways and traffic implications and flood risk.

### **General Principle of Development**

- 5.2. This application seeks permission for a solar photovoltaic (PV) farm on land at Chimmens Solar Farm, Mussenden Lane, Longfield, Kent DA3 8NJ.

### The National Need for the Proposal

- 5.3. There is a clear need for the development of solar farms and other renewable energy generation, which is driven by numerous government legislation at both a local and national level in the UK.
- 5.4. The Climate Change Act 2008 introduced the first legally binding target for 2050 to reduce greenhouse gases by 80%. This was further enhanced in 2019 with the UK Government amending the Act to a target of achieving net zero greenhouse gas emissions by 2050. Electricity demand is set to increase significantly as fossil fuels are phased out. More recently the Intergovernmental Panel on Climate Change (IPCC) published their latest report on the global climate, Assessment Report 6 (AR6) in August of this year (2021). The report overwhelmingly strengthens the scientific evidence of the human influence on the climate system. While there is a combination of climatic impact-drivers, fossil fuel emissions are a principal contributor to the climate crisis, so replacing gas and coal powered electricity generators with clean renewable technology is critical if we are to start to undo the decades of damage that has initiated climate change. Governments, local authorities, communities, and businesses all have a responsibility to play their part in addressing the climate emergency and this project aims to help achieve that.
- 5.5. Producing electricity with photovoltaic (PV) panels, produces no greenhouse gases during operation and uses no finite fossil-fuel resources. Where, as has been generally recognised, the current consumption of and reliance on fossil fuels is unsustainable, there is a very real need to find a viable long term alternative solution. To this end, there is greater emphasis on renewable energy sources for the production of power, with all Local Authorities being encouraged to ensure that a greater percentage of the power consumed in their areas is from these sources, thereby reducing their carbon emissions.
- 5.6. In addition, it is now widely accepted that climate change is happening and a key contributing factor are carbon emissions from the use of fossil fuels. The increased production of energy from renewable sources, such as solar PV, has very real benefits in off-set saving in carbon dioxide emissions and reducing the potential impact of greenhouse gases on climate change. It will also ensure a constant and affordable source of energy, contribute to economic stability and provide a further form of diversification to support total economies.
- 5.7. The amount of energy which can be harnessed from the sun's radiation is often underestimated. In the UK, we receive a vast amount of solar energy. In an average year we receive as much as 60% of the solar energy which is received on the equator. There is often the misconception that solar technologies can only be used within the summer months, but

the UK has a large number of clear spring, autumn and winter days, where the Sun's radiation can be harnessed, meaning that solar technologies can contribute to energy consumption for the whole year.

- 5.8. The provision of a broad range of energy solutions, including solar, creates a more robust energy network that is less susceptible to fluctuations in global markets for oil and gas, making the UK energy supply less carbon intensive with greater levels of resilience, security and self-sufficiency.

#### Social, Economic and Local Community Benefits

- 5.9. RES seeks to be a power for good in the communities that neighbour its projects by working openly and constructively to ensure meaningful local benefits. The proposed development would generate social, economic and local community benefits, these include but are not limited to:

- Increased renewable energy generation.
- Reduction in carbon emissions has a consequential positive effect upon public health, via the reduction in greenhouse gases and associated improvements to air quality.
- Economic benefits associated with investment and support of jobs during the construction phase of development. RES encourage contractors to source construction materials locally (i.e. within the country) and to use local transport and plant hire companies where possible, in addition to local services and amenities.
- Appropriate biodiversity and landscape enhancements via increased boundary planting and species-rich grassland.

- 5.10. The above outcomes associated with the scheme progressing, and associated Local Plan support for renewable energy generation, are considered to cumulatively represent very substantial benefits and as such are material consideration which weigh greatly in favour of planning permission being granted.

- 5.11. It is considered that the general principle of the development is acceptable. The proposed development provides a real opportunity to make a meaningful contribution to the UK's renewable energy and climate change target as well as providing opportunities to enhance local economic development. The site is sustainably located as it is considered to meet the requirements of national policy.

#### **Green Belt**

- 5.12. The proposed development site is located within the designated London Area Green Belt as defined by the saved policies of the Local Plan. According to London Green Belt Council:

*The Green Belt was established to check growth of large built-up areas (or sprawl), to prevent neighbouring towns from merging into one another and to preserve the special character of towns.*

- 5.13. Paragraph 147 of the NPPF outlines that inappropriate development is harmful to the Green Belt and should not be in approved except in very special circumstances. Paragraph 148

follow on stating very special circumstance will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations.

5.14. Paragraphs 149 and 150 provides exceptions for development in the Green Belt and which this proposal does not fall in to. Therefore, the development of a solar farm in the Green Belt would represent inappropriate development when assessed against planning policy.

5.15. With regards to renewable energy development, paragraph 151 states:

*"When located in the Green Belt, elements of many renewable energy project 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."*

5.16. Weight needs to be afforded to the need of development as UK and international targets strengthen in reducing carbon emissions from energy sources. This is no more evident than in a number of recent decisions, as detailed at Table 1. Specifically, application reference 21/00834/FUL as approved on 23 November 2021 spanning Basildon and Brentwood for a 38 hectare (94 acres) site at Crouch Farm, Dunton Road, Herongate, Brentwood, Essex, CM13 3SG. The Councillors in this case recognised that the scheme's potential to deliver green energy to nearly 10,000 homes a year mitigated any damage that might temporarily be caused to the Green Belt throughout the lifetime of the solar farm. It was evident that the opportunity to provide green energy was a very special circumstance that outweighed any harm to the Green Belt. The Decision Notice and Committee Report are provided in Appendix 2.

5.17. This clearly outlines that the provision of renewable energy development can be considered as very special circumstances in the determination of an application. It is then a matter of whether the benefits of Chimmens Solar Farm significantly outweigh the impacts on the openness of the Green Belt.

5.18. Paragraph 138 of the NPPF identifies that the five main principles of the Green Belt are as follows:

- a) *To check the unrestricted sprawl of large built-up areas;*
- b) *To prevent neighbouring towns merging into one another;*
- c) *To assist in safeguarding the countryside from encroachment;*
- d) *To preserve the setting and special character of historic towns; and*
- e) *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

5.19. With specific regard to the London Green Belt<sup>7</sup>, the benefits of the Green Belt are identified as:

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<sup>7</sup> London Green Belt – <https://londongreenbeltcouncil.org.uk/information/>

- Prevention of the high costs of urban sprawl. With urban sprawl comes increased car use and travel costs, more expensive road construction and maintenance, decreased economic vitality of urban centres, higher air pollution and health-care costs, and the loss of productive land for farming and tourism.
- Safeguarding of agricultural use, local food production and its proximity to potential markets in the city.
- Promotion of recreation and sport, including country parks and playing fields.
- Enhancement of health and reduction of stress by providing peaceful, natural breathing spaces and 9,899km of public rights of way around the capital.
- Eco-system advantages including urban cooling, improved air quality, flood mitigation and carbon absorption (especially woodland areas).

5.20. A number of aspects of the proposed development as outlined in the application will assist in achieving these benefits (including retaining recreational horse riding routes, retaining existing PROWs significant additional landscaping and planting).

5.21. The siting and scale of the proposed development would not significantly impact the openness and permanence of the Green Belt and we consider that it would not impact the purposes for inclusion within the Green Belt which are considered below.

5.22. The proposed development comprises low-level renewable energy infrastructure which is entirely enclosed by agricultural fields. The site itself is bounded to the south by the M20 Motorway and to the east by Horton Wood therefore limiting the openness of the landscape. Furthermore, the development does not contribute to urban sprawl nor does it assist in merging towns as it is not an urban form of development and is commonplace within rural areas due to size and development constraints on brownfield land. The proposal does not form an urban feature as the land will still be retained for agricultural uses during operation through sheep grazing. The proposed development is setback from the existing ancient woodland and retains existing vegetation (i.e. existing hedgerows and trees). The design enhances the characteristics of the landscape character through significant levels of new hedgerow planting (internal and on boundary) as well as new native woodland creation (northern boundary). These landscaping measures will create new habitats. The Biodiversity Net Gain is reported in the accompanying ecological appraisal (BSG Report Ref: P22-603). The delivered net gain is significantly more than the required net gain of 10%. The total number of biodiversity units in the proposed layout post development are 415.31 units of area habitats and 105.24 units of hedgerow. This equates to a 45.15% net gain in area habitats and a 39.93% net gain in hedgerow habitats, as a result of the proposed development.

5.23. As detailed within the submitted Landscape and Visual Assessment, the total extent of the landscape and visual effects would be localised and limited in nature.

5.24. With regards to the final principle of the Green Belt, ground mounted solar energy developments tend not to be located on brownfield land or in urban areas where there are usually limitations on the size of the plot which in turn creates viability issues. There is further often shadowing within urban areas preventing efficient output of energy. As part of our Site Alternatives Study (Pegasus Report Ref RO03v2\_PL), a check of the Sevenoaks Brownfield

Register<sup>8</sup> has been undertaken and there are no viable sites in close proximity of the point of connection at Chimmens. Furthermore, the large majority of brownfield sites in Sevenoaks already have full or outline planning permission for residential development. No available brownfield sites of sufficient size to accommodate the proposal were identified within the study area.

- 5.25. The above clarifies that the proposal does not relate or impact the 5 purposes of the Green Belt thereby the impact of the development on the Green Belt allocation is to be limited.

#### Very Special Circumstances

- 5.26. As outlined above, the proposal does impact on the five principles of the Green Belt. Furthermore, the development is of temporary nature as confirmed in the Renewable Energy PPG. There will be no impact on the underlying ground quality and the 'resting' of agricultural land can lead to improved soil organic matter ensuring that when the land can be returned to agricultural use in the future. Furthermore, the landscaping delivered by the proposed development will be retained after decommissioning. As such, the proposal would not result in significant adverse impacts to the Green Belt. The benefits of the renewable energy output in satisfying, local, national and international renewable energy targets would therefore significantly outweigh the impact of the Green Belt and would satisfy the 'Very Special Circumstances' Test, this is considered in further detail below.
- 5.27. As outlined, there is a need for this type of development as promoted through a number of international, national and local targets for renewable energy across all areas of the country. Paragraph 158 of the NPPF outlines that local authorities should not require the applicant to demonstrate the need for renewable energy. It then goes on to state that the application should be approved if its impacts are (or can be made) acceptable. Chapter 14 of the NPPF clearly substantiates the importance of renewable energy developments across the country and suitably supports the principle of development for these technologies.
- 5.28. The wider benefits of Chimmens Solar Farm have been outlined above along with the numerous supporting documents. In summary, the proposal would provide 49.9MW of clean and renewable (low carbon) energy, enough to power 22,500 homes<sup>9</sup> and saving up to 15,000 tonnes/year of CO<sub>2</sub> compared to electricity from fossil fuels like gas. The proposed 40 year operational lifetime further demonstrates that the proposed development does not form a permanent loss of the Green Belt.
- 5.29. Additional benefits identified include the economic benefits arising from the construction employment, use of local materials where practicable and local business rates arising from the scheme. The proposal will also assist with the viability and diversification of the agricultural land, to the benefit of the local economy.
- 5.30. In conclusion, the adverse impacts of the proposed development would be minimal and would not impact the 5 principles of the Green Belt. The weight to be afforded to the Green

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<sup>8</sup> [https://www.sevenoaks.gov.uk/info/20069129/current\\_local\\_plan/365/brownfield\\_land\\_register](https://www.sevenoaks.gov.uk/info/20069129/current_local_plan/365/brownfield_land_register)

<sup>9</sup> The homes figure has been calculated by taking the predicted average annual electricity generation of the site and dividing this by the annual average electricity figures from the Department of Business, Energy and Industrial Strategy (BEIS) showing that the annual UK average domestic household consumption is 3,509 kWh (Dec 2022)

Belt allocation should only be limited. The significant benefits that come from the scheme amount to very special circumstances in overcoming the impact on the Green Belt. Further support is provided by the NPPF for renewable energy development and rural diversification. The proposal leads to economic, social and environmental benefits and therefore accord with the core principles of sustainable development as outlined in Paragraph 8 of the NPPF

Precedent Cases

- 5.31. It is considered that the below are precedent cases that are relevant to the determination of this planning application for Chimmens Solar Farm. All of which are solar developments of a similar scale that have been found to be acceptable in the Green Belt.

*Table 1: Precedent cases of solar development within Green Belt*

Application Reference	Description of Development	Decision	Local Planning Authority
RB2022/1203	Installation and operation of a solar energy park and associated infrastructure	Committee Approval 04.08.2022	Rotherham Metropolitan Borough Council
22/02106/FUL	Change of use of land and construction of solar PV panels (up to 28MW), associated electrical infrastructure, operational buildings, substations, lattice tower, security fencing, CCTV, access tracks, landscaping and other ancillary works,	Committee Approval 09.05.2023	North Tyneside Council
22/02599/FUL	Installation of a solar park to export up to 49.9MW (AC) electricity, including solar panels, inverter cabins, associate infrastructure and associated hard landscaping.	Delegated Approval 17.02.2023	Sevenoaks District Council
21/00394/FUL	Installation of a solar photovoltaic (PV) park generating up to 49.9 MW of electricity spread over three sites (sited either side of the A130/Canons Barn Road), comprising of ground-mounted photovoltaic solar arrays, battery-based electricity storage containers, and One Point of Connection (POC) mast of up to 35m in height on Church Road (junction with Link House Farm), together with inverters/transformer stations, Distribution Network Operator (DNO)	Appeal Approved 06.02.2023	Chelmsford City Council



Application Reference	Description of Development	Decision	Local Planning Authority
	Substation, access and cable connection to POC mast to connect to 132 kV power line, customer substation/switchgear and meter kiosk, batteries, internal buried cabling and grid connection cables, internal access tracks, security fencing and gates and CCTV cameras, other ancillary infrastructure, landscaping and biodiversity enhancements.		
21/00834/FUL	Construction and operation of a solar farm together with all associated works, equipment and necessary infrastructure (30MW)	Committee Approval 23.12.2021	Brentwood Borough Council
P20/S3244/FUL	The construction and operation of a solar photovoltaic farm and associated infrastructure, including inverters, substation compound, security cameras, fencing, access tracks and landscaping.	Committee Approval 26.10.2021	South Oxfordshire District Council

### Conclusion

- 5.32. The site is located within the London Area Green Belt parcel. It is considered with regards to the sensitive design of the proposed development and the additional landscape mitigation proposed that the actual perceived extent of any harm to the Green Belt is limited, especially in future years as the landscape mitigation develops. This harm should therefore be weighed accordingly alongside the benefits of the proposals, as set out in the wider analysis of the 'very special circumstances'.

Overall, it is considered that substantial weight should be given to the benefits of the proposal in providing significant generation of clean renewable electricity and carbon displacement. This amounts to a very special circumstance which outweighs the limited impact to the openness of the Green Belt in line with the NPPF.

### **Agricultural Land Classification**

- 5.33. The site in its current use comprises agricultural land. The accompanying agricultural land classification report (Soil Environment Services Ltd SES/PG/SGS/#2 dated November 2022) confirms that 166 hectares of land was surveyed. The grading of the land as concluded within the submitted report is as follows:
- 5.34. The NPPF outlines that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the



countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land.

- 5.35. It is accepted that the proposed development will reduce the arable production when compared to the current use. However, the diversification of the existing farm business will not preclude its use for grazing the site with sheep and therefore retaining agricultural practices alongside solar energy generation. The proposed development will reduce intensive cultivation practices and move towards the establishment of biodiversity or pollinating areas for the duration of the scheme. The proposed development also introduces conservation management measures for skylark.
- 5.36. As identified within the Site Alternatives Study (Pegasus Report Ref R003v2\_PL), the use of agricultural land to host the proposed development would be unavoidable. As such, this form of development is, with appropriate management, a temporary and reversible proposal.
- 5.37. It is acknowledged that development is generally supported in areas outside of best and most versatile (BMV) land. However as detailed within the Draft National Policy Statement EN-3, developers consider several factors when identifying the location and layout of sites including solar irradiance, proximity to available grid capacity to accommodate the scale of generation, predominance of open land, topography, previous land use and the ability to mitigate environmental impacts and any flood risk. Therefore, it is not considered that the absence of BMV land should be a predominant factor in determining the suitability of site selection. This should be considered on balance, with all benefits arising from the scheme.
- 5.38. The proposed development will result in a temporary loss of an area of best and most versatile land (but not in its entirety, nor permanently). When considering the most appropriate locations for solar development, there are a number of requirements for a site to be viable and suitable. Other criteria include, but are not limited to:
- Suitable location which benefits from sunlight intensity levels.
  - Suitable grid connectivity.
  - Site of suitable shape, orientation and size that can accommodate the development proposals.
  - Suitable location which is served by appropriate highway infrastructure.
  - Suitable site which is available for the duration of the development.
  - Not located within a sensitive area as defined by the EIA Regulations.
- 5.39. As identified within the Site Alternatives Study (Pegasus Report Ref R003v2\_PL), the site meets the criteria outlined above.
- 5.40. In a recent Appeal (APP/G2713/W/23/3315877) the Inspector acknowledged that, the appeal application would change the use of the land for a period of 40 years. the Inspector acknowledged that apart from the small areas for the fixed infrastructure, the majority of the land would still be used for some agricultural purposes during the 40 year period and that the intention would be returned fully to agricultural use at the end. It was further stated, *"moreover, I am satisfied from the evidence before me that resting the land from intensive agriculture would be likely to improve soil health by increasing the organic matter in the soil*

*and improving soil structure and drainage, even if a return to arable farming would then start to reverse this improvement."*

- 5.41. The Inspector concluded that, *"there would be nothing in planning terms to prevent the farmers using the fields that form the appeal site for the grazing of sheep at present or even leaving them fallow. Given this, the fact that the proposal would limit the ability to carry out any arable farming does not, in my opinion, mean that it results in the loss of agricultural land when it can still be used for other agricultural uses. Furthermore, current government schemes actually encourage farmers to take land out of production and put it to grass, meadows, or trees for carbon capture."*
- 5.42. When considering the benefits arising from solar development, the Inspector stipulated, *"In recent years both the Government and the local council have declared an Environmental and Climate Change Emergency. Various recent government publications have highlighted the need to significantly increase generation from onshore wind and solar energy production, as it seeks to ensure that by 2035 all our electricity will come from low carbon sourced. To achieve this ambitious target, it is clear that considerable growth in large scale solar farms will be necessary and this cannot be achieved solely by the use of brownfield land."*
- 5.43. The planning application is also informed by an Agricultural Impact Assessment which considers the availability of agricultural resource in the local area, an analysis of the ALC grading at Chimmens Solar Farm and the impact of diversifying the landowner's business.
- 5.44. The trustees of the estate on which the proposed development would be located have been responsible custodians of the land for generations. There is a significant threat to farming practices across the UK due to the challenges caused by the changing climate, which is having an impact on the viability of some agricultural businesses. Projects like Chimmens Solar Farm can enable diversification of agricultural businesses whilst tackling the effects of climate change.
- 5.45. As such, whilst the proposed development will result in the temporary loss of a small portion of BMV land, when considered against the other significant benefits associated with the development, the planning balance makes the harm acceptable in planning terms.

It is therefore considered that the proposed development is in accordance with national policy relating to the agricultural land classification.

#### **Landscape and Visual Amenity**

- 5.46. The site lies outside of any nationally designated landscape (National Parks, AONBs), with the Kent Downs AONB lying within around 1km to the west of the site. The site also lies outside of any locally designated landscapes.
- 5.47. The site comprises primarily of agricultural land, separated into relatively large fields, with some dividing hedgerows and individual trees. Small woodland plantations are located adjacent to the site and woodland also serves to separate the north-western and south-eastern sections of the site.
- 5.48. The site lies close to a network of minor narrow roads, including Mussenden Lane which passes along the site boundary to the north and Gabriel Spring Road East to the south-east, both of which feature high hedgerows either side of the route. School Lane is located approximately 500m north of the site and features high hedgerows either side of its route.

- 5.49. A Public Right of Way (PROW) crosses the site to the south-east (Footpath Ref: SD333), as well as a PROW being located to the west of the site (Footpath Ref: SD156), however, most of the site is not publicly accessible. Large scale pylons with associated overhead powerlines cross the south-eastern part of the site. The M20 motorway forms a notable feature in the landscape immediately to the south of the site, with the Brands Hatch racing circuit lying a little further to the south.
- 5.50. The northern part of the site is generally sloping and undulating. The southern part of the site is generally flatter, forming part of an upland plateau landscape. Beyond Three Gates Road to the east of the site, land falls steeply away towards a local valley. To the south of the site, the M20 motorway is set within steep wooded embankments.
- 5.51. Policy LO8 of the Core Strategy states that;
- "The countryside will be conserved and distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced.*
- Particular regard will be given to the condition and sensitivity of the landscape character and securing the recommended landscape actions in the proposed SPD to ensure that all development conserves and enhances local landscape character and that appropriate mitigation is provided where damage to local character cannot be avoided."*
- 5.52. Furthermore, Policy EN5 of the Allocations and Development Management Plan stipulates:
- "The Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.*
- Proposals that affect the landscape throughout the District will be permitted where they would:*
- a) conserve the character of the landscape, including areas of tranquility; and*
  - b) where feasible help secure the enhancements in accordance with landscape actions in accordance with Sevenoaks Countryside Assessment SPD."*
- 5.53. A Landscape and Visual Assessment (LVA) has been prepared to accompany this planning application and confirms that the scheme can be effectively integrated and assimilated into the surrounding landscape with the adverse effects highly localised to the immediate environs only.
- 5.54. The LVA concludes that from a landscape and visual perspective, any notable effects on landscape character or visual receptors as a result of the proposed development would be generally confined to surrounding local areas with visual effects reduced by the retention of the existing vegetation and the proposed mitigation. Overall, and despite the extent of the proposed development, the total extent of the landscape and visual effects would be localised and limited in nature.

- 5.55. The LVA also considers the potential for cumulative landscape and visual effects when considering the combination of the proposed development and recently consented Horton Wood Solar Park (*Sevenoaks Council planning reference: 22/O2599/FUL*). The LVA states that due to the topography in the area and the existing vegetation screening around Horton Wood Solar Park, the visibility of both projects would be extremely limited and no notable cumulative effects on landscape character would arise.

It is therefore considered that the proposed development is consistent with the requirements of Policy LO8 of the Core Strategy and Policy EN5 of the Allocations and Development Management Plan.

### **Trees and Landscaping**

- 5.56. Policy EN1 of the Allocations and Development Management Plan addresses design principles for new development. When considering trees, this policy states:

*"Proposals which would create high quality design and meet the following criteria will be permitted:*

*b) the layout of the proposed development would respect the topography and character of the site and the surrounding area and sensitively incorporate natural features such as trees, hedges and ponds within the site."*

- 5.57. The proposed development has been designed to retain existing trees and hedgerows on site, only extending existing gaps in the hedgerows for the purpose of construction access. The design of the proposed development includes a 15m buffer between Horton Wood Ancient Woodland and the perimeter site fencing. The application is supported by an Arboricultural Impact Assessment that concludes that the proposed development is not anticipated to result in any significant long-term negative arboricultural impacts. Perimeter fencing will be installed and protect retained trees and wood land during the construction phase. The construction of the site will be supported by an Arboricultural Method Statement to ensure protection of Horton Wood and confirms suitable mitigation measures are in place for access onto the site.

- 5.58. It is therefore considered that the proposed development is consistent with the requirements of Policy EN5 of the Allocations and Development Management Plan.

### **Ecology and Biodiversity**

- 5.59. There are no statutory designated sites within or adjacent to the proposed site. Farningham Wood SSSI is located approximately 1.45km to the west of the site. It is however acknowledged that the Horton Wood Local Wildlife Site (LWS) is adjacent to the site to the south and east. This LWS supports Ancient Woodland.
- 5.60. The NPPF also identified that planning policy should identify and pursue opportunities for securing measurable gains for biodiversity.
- 5.61. Policy SP11 of the Core Strategy stipulates that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. Furthermore;

*"Sites designated for biodiversity value will be protected with highest level of protection given to nationally designated Sites of Scientific Interest, followed by Local Wildlife Sites and site of local importance for biodiversity. Designated sites will be managed with the primary objective of promoting biodiversity whilst also providing for appropriate levels of public access.*

*Opportunities will be sought for the enhancement of biodiversity through the creation, protection, enhancement, extension and management of sites and through the maintenance and, where possible, enhancement of a green infrastructure network to improve connectivity between habitats."*

- 5.62. The application is supported by an ecological appraisal report (BSG Report Ref: P22-603). This report summarises the potential ecological constraints to the development. This report concludes that the proposed development is likely to have a net positive effect on the biodiversity and ecological value of the site. The majority of the higher value ecological features on site, such as woodland, hedgerows, other natural grassland and arable margins will be retained within the proposed development. Extensive habitat creation and enhancement will take place, including grassland creation as well as new hedgerow planting. These measures are likely to improve the extent and quality of the higher-value habitats on site, increasing its value for a wide range of species.
- 5.63. It is noted that there is potential for impacts on species and habitats on Site during construction of the proposed development, but these can be avoided or sufficiently mitigated by the implementation of appropriate measures during construction.
- 5.64. The Landscape Masterplan (Pegasus Drawing No: P22-1221\_EN\_0012) shows the following enhancements including, but not limited to:
- Retention, protection and enhancement of existing trees, hedgerows and woodland, with new native tree and hedgerow species where appropriate;
  - Provision of new native infill planting where gaps are present in the existing field boundary hedgerows, to further define field boundaries and provide additional visual enclosure;
  - Provision of new native hedgerows (more than 4,000m) to define field boundaries where none are present, or have been lost over time and incorporating scattered trees where practical and feasible;
  - Provision of a new native woodland planting belt (480m in length) to provide additional visual enclosure of the proposals along the northern boundary. This would provide a level of further screening of the development in views from Horton Kirby;
  - Enhancement of site boundary margins and areas underneath solar panels, through proposed species rich grassland be managed through low intensity grazing by sheep;
  - Physical offsets to be provided from the Public Rights of Way that cross the site, for example, PROW SD333 which crosses the southern section of the site, benefits from 11.5m space between perimeter fences;
  - Creation of approximately 35 acres of skylark habitat; and

- Ongoing landscape management of planting during the lifetime of the solar farm.

- 5.65. The supporting ecological appraisal outlines the biodiversity net gains that can be achieved on site which are significantly more than the required net gain of 10%. The total number of biodiversity units in the proposed layout post development are 415.31 units of area habitats and 105.24 units of hedgerow. This equates to a 45.15% net gain in area habitats and a 39.93% net gain in hedgerow habitats, as a result of the proposed development.
- 5.66. The details of the habitat creation and ongoing management will be set out in a Landscape and Ecological Management Plan (LEMP). This will set out the methods used for the habitat creation, their subsequent management and monitoring and how corrective action will be taken. Confirmation of the LEMP is proposed to be subject of a suitable planning condition.
- 5.67. Appropriate offsets from existing features on site have been reflected within the design of the scheme. It is considered that necessary mitigation has been reflected in the scheme. Where necessary a Construction Environment Management Plan (CEMP) can be conditioned to any planning consent.

As such, it is demonstrated that the scheme complies with Policy SP11 of the Core Strategy.

#### **Heritage and Archaeology**

- 5.68. There are no designated assets (listed buildings, conservation areas, scheduled monument, world heritage sites, registered battlefields, registered parks and gardens) located within the site. It is however acknowledged that there are a number of designated assets in proximity to the site boundary, summarised below.
- 5.69. Located 270m north of the site boundary, adjacent to Mussenden Lane are a group of four grade II listed buildings forming the Mussenden Farmhouse complex.
- 5.70. 415m northwest of the site boundary adjacent to Eglantine Lane are a grouping of four grade II listed buildings, three forming the Eglantine Farm complex and one which is a cottage. On the opposite side of Eglantine Lane is the eastern boundary of the grade II registered park and garden (RPG) of Franks Hall which contains a number of designated heritage assets including the grade I listed Franks Hall which is over 1km from the site boundary. Within the RPG is the scheduled monument of a medieval moated site with associated fishponds, which was the earliest iteration of Franks Hall. This is located approximately 940m northwest of the site boundary.
- 5.71. There is a scheduled monument of a Roman villa and Iron Age settlement located 1km to the west of the site, on the western bank of the River Darent.
- 5.72. There are three grade II listed buildings located approximately 675m northwest of the site, all forming part of the Reynolds Place group of buildings and structures.
- 5.73. Located approximately 870m northwest of the proposed site boundary is the settlement of Horton Kirby which contains a Conservation Area, a number of listed buildings and a scheduled monument. The scheduled monument is the site of a Roman granary located on the banks of the River Darent. The listed buildings within the settlement are all Grade II with the exception of the Grade II\* Parish Church of St. Mary.

- 5.74. Policy EN4 of the Allocations and Development Management Plan states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 5.75. When referencing archaeology, Policy EN4 states where the application is located within, or would affect, an area or suspected area of archaeological importance an archaeological assessment must be provided to ensure the provision is made for the preservation of important archaeological remains/findings.
- 5.76. The application is supported by a Heritage Statement (Pegasus Report Ref P22-1221) which provides information with regards to the significance of the historic environment and archaeological resource on the site. The report assesses the implication of the scheme on both archaeological potential and built heritage.
- 5.77. In terms of the built environment, this report confirms that there are no designated heritage assets lie within the site. This report concludes that the proposed development will result in less than substantial harm at the low end of the spectrum to the heritage significance of the Grade II Listed Buildings at Mussenden Farm. Furthermore, the proposal will result in no harm to the heritage significance of the Grade II Listed Building at Eglantine Farm, the Grade II Registered Franks Hall Park and Garden and the Horton Kirby Conservation Area.
- 5.78. As such, it is considered that the proposed development is in accordance with the requirements of Policy EN4 of the Allocations and Development Management Plan and the relevant paragraphs of the NPPF.
- 5.79. With regards to potential for implications for archaeological interest on the site, a Desk based assessment and Geophysical investigations have been undertaken and are included in the Heritage statement. It is proposed that further on-site investigations will be undertaken. This process has been agreed during pre-application discussions and a trench plan for a targeted trial trench of the site has been agreed with the County Archaeologist to be undertaken during the determination of the application.

### **Highways and Transport**

- 5.80. Policy T1 of the Allocations and Development Management Plan states that, "*New developments will be required to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollutions and impact on amenity and health.*"
- 5.81. During the construction phase, delivery of materials and access will be via the A20, Scratchers Lane, Three Gates Road and Gabriel Spring Road (East). This route has been identified to minimise traffic disruption during construction by avoiding local villages and is supported by an access strategy in consultation with Kent Highways.
- 5.82. Whilst it is acknowledged that there will be an increase in highway movement during the construction period, it is not anticipated that outside of this time, the proposed development will accrue a high number of trips.
- 5.83. A Construction Traffic Management Plan (CTMP) has been submitted in support of the application. This document sets out the framework for managing movement of traffic associated with the proposed development in order to mitigate against the effects of traffic travelling to and from the site during the construction period. The CTMP identified a number



of routes are for temporary use only and will not be used during the operation of the solar farm. Temporary construction routes are clearly marked on Figure 4 (O5009-RES-LAY-DR-PT-003). It is considered that the implementation of the recommended mitigation strategy, the construction of the site will not have any unnecessary negative impacts on the local highways network.

- 5.84. During operation of the proposed development, access to the solar farm will be via Mussenden Lane to the north of the site and access to the substation compound will be via Gabirel Spring Road (East).

As such, it is considered that the proposals are in accordance with Policy T1 of the Allocations and Development Management Plan.

### **Flood Risk and Drainage**

- 5.85. The site is located predominantly within Flood Zone 1, an area identified as being at lowest risk of flooding. Mitigation measures are proposed to help protect the proposed development from surface water flooding over its lifetime. Mitigation measures include raising the lowest edge of proposed solar panels above proposed flood depths and ensuring vulnerable infrastructure is sequentially located in areas of lowest flood risk.
- 5.86. The NPPF outlines at paragraph 167 that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.
- 5.87. The application is supported by a Flood Risk Assessment that concludes that the proposed development will not add any significant areas of impermeable surfacing. It is important to note that although the panels will deflect precipitation, the panels will not increase the impermeable area of the site. The site is not considered to be at significant risk of flooding from any source and access and egress is not predicted to be impeded during an extreme flood event.
- 5.88. In terms of the drainage strategy for the site, it is proposed to retain the existing agricultural drains within the site allowing the site to drain naturally. All access tracks will be permeable and constructed out of gravel or grass reinforcement or would simply be a mown path for vehicles to gain access to panels for maintenance. Surface water runoff from proposed infrastructure will be managed with a series of gravel trenches designed to manage surface water runoff from all storm events up until and including the 1 in 100 year plus 25% allowance for climate change. With mitigation measures and the proposed surface water drainage strategy in place, the proposed development will not increase flood risk on site or elsewhere.
- 5.89. It is therefore considered that the proposals are in accordance with the relevant requirements of the NPPF.

### **Noise**

- 5.90. Policy EN2 of the Allocations and Development Management Plan states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupier of the development and would safeguard the amenities of existing and future occupants of nearby properties by ensuring development does not result in, and is not located in areas where occupiers of the development would be subject to, amongst other factors, excessive noise.

5.91. The proposed development has sought to locate inverters and the substation at a sufficient distance from the nearest residential receptors. Background noise surveys were undertaken to monitor the existing levels at the nearest noise sensitive receptors. An assessment of the acoustic impact of the proposed Chimmens Solar Farm has been undertaken in accordance with BS 4142:2014+A1:2019. At all times during operation of the proposed development, at all residential properties, the predicted noise impact is low.

Overall, there are no adverse impacts predicted to occur at the nearest residential receptors and is therefore, the proposed development is in accordance with the requirements of Policy EN2 of the Allocations and Development Management Plan.

### **Other Matters**

#### Glint and Glare

5.92. The extent to which the proposed development will have an impact on light sensitive receptors have been assessed within a Glint and Glare report (Mabbett Report Ref: 312113). Generally, solar photovoltaic (PV) systems are constructed of dark, light-absorbing material designed to maximise light absorption and minimise reflection.

5.93. This report concludes that the residual glare impacts of the proposed development on residential receptors and road infrastructure receptors (on the A20 and west to east along the M20) are low. There are no glare impacts on aviation or rail receptors.

#### Crime Prevention

5.94. RES Ltd will be following the necessary national guidance to ensure the security of the future development site and the infrastructure located within the site's boundary.

5.95. The level of security provided by the proposed fencing is considered generally acceptable and need to be balanced with visual considerations. It is considered that if anything more substantial was to be installed this would not be acceptable visually.

5.96. The CCTV system proposed (as detailed on Figure 11 – O5009-RES-SEC-DR-PT-003 Rev 1) will be capable of recording clear images that will meet the standards as set out in the Home Office Publication 28/09 CCTV Operational Requirement Manual 2009 as well as the UK Police Requirement for Digital CCTV Systems 09/05. As such, it is considered that scheme meets the relevant national standards and can be maintained in a manner that will ensure the security of the scheme across the lifetime of the development.

## 6. PLANNING BALANCE

6.1. To summarise, the above planning assessment has demonstrated the following:

- Notwithstanding the location within the Green Belt, this planning application is in broad compliance with the Development Plan and national planning policy and guidance. Policy compliance strongly supports planning permission being granted;
- The development and operation of the solar farm would give rise to a wide range of social, environmental and economic benefits which amount to a very substantial weight in favour of planning permission being granted (against what are very limited effects);
- The impacts associated with the development at this location are limited, the impacts are suitably mitigated, and the proposal is in compliance with relevant issue specific planning policies in the Development Plan, so do not weigh against the development.
- The Site Alternatives Study (Pegasus Report Ref RO03v2\_PL) confirms that there are no alternative available sites which could accommodate the proposals within the study area.

6.2. Whilst it is accepted that the proposal will result in changes to the local environment, such as in terms of visual impact, those changes are not such that would constitute a breach of the policies contained within the Development Plan. This is also the case where any identified harm can be addressed by way of a planning condition, such as matters of landscaping, ecological mitigation and enhancement. This application, as summarised by the planning statement, has demonstrated accordance with policy and is consequently in accordance with the guidance contained within the NPPF and NPPG.

6.3. Notwithstanding this accordance with the development plan, the change to the local environment could be perceived as being harmful, such as impacts upon the Green Belt. This statement has set out the benefits/very special circumstances of the proposal and these are substantial in their weight (particularly in combatting climate change and meeting ambitious targets for renewable energy production). As such, those benefits can be regarded as further supporting the acceptability of Chimmens Solar Farm against the Development Plan or should a more pessimistic view be taken as being capable of outweighing any conflict with the Development Plan (which we do not consider there to be).

6.4. The benefits of a solar scheme of this scale can be listed as, but not limited to:

- Increased renewable energy generation, equivalent to provide electricity to assist towards reducing CO<sub>2</sub> emissions per annum.
- Economic benefits associated with investment and support for on-site employment during the construction period and with associated management and maintenance of the scheme.
- Appropriate biodiversity and landscape enhancement via increased boundary planting and species-rich grassland resulting in a gain in biodiversity across the site.

- Reduction in carbon emission has a consequential positive effect upon public health and community benefits, via the reduction in greenhouse gases.

6.5. In consideration of compliance with the Development Plan and other planning policy requirements, the significant benefits/very special circumstances associated with the Proposed Development and limited adverse effects, it is clear that this development is, on balance, acceptable in planning terms.

6.6. The Proposed Development has been shown to achieve the main objectives of sustainable development (environmental, social and economic) without causing undue detriment to any of these matters. The presumption in favour of sustainable development set out in the NPPF therefore applies here. As the NPPF directs, in such circumstances and where the application complies with the Development Plan, the application should be approved without delay.



## 7. SUMMARY AND CONCLUSIONS

- 7.1. This Planning Statement has been prepared by Pegasus Group on behalf of RES Ltd in support of the accompanying application for full planning permission for a solar farm on land at Chimmens Farm.
- 7.2. The proposed development would involve the construction of a ground mounted solar farm with associated works. The solar farm will have a capacity of 49.9MW.
- 7.3. The development supports the UK Government's intention to move to a low carbon economy, which represents a substantial benefit. The impacts of the proposal have been shown to be acceptable and, where necessary mitigation measures have been set out to reduce potential impacts of the proposed development.
- 7.4. The significant benefits/very special circumstances associated with this proposal, primarily through the generation of renewable energy to provide low carbon electricity and a valuable contribution towards meeting the challenging obligations of the Government regarding renewable energy generation, and also in the form of economic investment and ecological and landscape enhancements, are factors which weigh heavily in favour of this development.
- 7.5. This statement therefore demonstrates that, upon considering the following matters, this proposal, on balance falls well within the scope of acceptability:
- broad compliance with the Development Plan and national planning policy guidance.
  - the significant benefits associated with the scheme; and
  - the relatively benign impacts associated with the development.
- 7.6. Accordingly, this proposal represents sustainable development and, as such, this planning application should be approved without delay.



## **Appendix 1 – Pre-Application Advice (SE/PA/23/00003)**

Emma Ridley  
Pegasus Group

Emma.Ridley@pegasusgroup.co.uk

Tel No: 01732 227000  
Ask for: Sean Mitchell  
Email: dcsouth@sevenoaks.gov.uk  
My Ref: PA/23/00003  
Date: 22 May 2023

Dear Emma

### **Pre-Application Advice Enquiry**

**Site:** Land At Speedgate Farm, Mussenden Lane, Horton Kirby, Kent

**Development:** Proposed solar development.

Firstly may I sincerely apologise for the delay and for any inconvenience caused to you for the in response to our meeting on the 24 February and further to the meeting notes forwarded to you.

### **Purpose of this letter**

This letter will provide feedback on your scheme and set out some key information that may be helpful to you when considering your proposal. You are advised to seek your own independent advice on the issues raised in this email, to help you understand how planning policy may have an impact on your proposal. Appended to this letter is further information and website links, to help you research the planning issues in more detail, before submitting an application.

### **Summary of Pre-Application Advice**

Upon reviewing the principal of the proposed development is generally accepted however there are concerns/issues, which will need to be considered /addressed before an application is submitted.

Based on the information submitted, the main issues relevant to your proposals are considered below.

### **Planning Assessment**

### **Environmental Screening Opinion**

As mentioned in the meeting, an Environmental Screening Opinion will be necessary to determine as to the whether an Environmental Statement will be required or not. If

Chief Executive: Dr. Pav Ramewal  
Council Offices, Argyle Road, Sevenoaks, Kent TN13 1HG  
Telephone: 01732 227000 DX 30006 Sevenoaks  
Email: information@sevenoaks.gov.uk  
www.sevenoaks.gov.uk

required, you may wish to receive a formal determination from us on the information to be supplied in the Environmental Statement (ES) - otherwise known as 'Scoping Opinion'.

At this stage, it is not known as to whether an ES would be needed or not, as an assessment of the cumulative impact of the development has to be considered, as you were made aware, opposite to your site planning permission has been consented for a 49.9MW solar park, under planning reference 22/02599/FUL.

### **Statement of Community Involvement**

As highlighted in the meeting, was the importance to engage with the local community and respective Parish Councils - Horton Kirkby and South Darenth Parish Council and Fawkham Parish Council. This should be done prior to submission of a forthcoming application.

### **Siting of the Development**

As discussed in the meeting, it was agreed that any proposed scheme should be steered away from the village boundaries of Horton Kirby and those occupiers within Saxon Place. As such, it was preferred if the scheme was to be sited more towards the eastern boundaries of the identified site, subject to further conclusions of separate impact assessments and surveys.

### **Green Belt**

As set out in paragraph 147 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

Paragraph 148 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

Paragraph 151 of the NPPF confirms that, most renewable energy projects will constitute as inappropriate development and that very special circumstances case will be required. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

In light of the above, if an application were to be submitted, it is likely that the proposed solar farm would be found to be inappropriate development in the Green Belt by



definition. The proposed solar farm is also likely to introduce significant built up structures/form into the site and is therefore unlikely to preserve the openness of the Green Belt.

A case for very special circumstances would therefore need to be presented with any submission that clearly outweighs the definitional harm, the harm to openness and any other harm identified through the formal assessment of the proposal. A possible case for very special circumstances could include the scheme's wider environmental benefits, such as its contribution to renewable energy production and energy security, and any potential biodiversity improvements.

### **Best and Most Versatile Land**

The area of land related to this pre-application has been identified as Best and Most Versatile agricultural land which has been provisionally classified as Grades 2 and 3 in the Agricultural Land Classification (ALC) system. Paragraph 174 of the NPPF and National Planning Practice Guidance - Natural Environment are relevant and further survey of the agricultural land is required to determine the agricultural grade and soil quality, as at present it is provisionally classified 'best and most versatile land'. For further guidance please use the following internet link:

<https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>

The Government's National Planning Practice Guidance (NPPG) encourages the use of previously developed and non-agricultural land for solar farms, provided that it is not of high environmental value. Any proposal involving greenfield land will need to demonstrate that the use of the agricultural land is necessary and that poorer quality land has been used in preference to higher quality land. Moreover, where greenfield land is to be used, the NPPG advises that a proposal should provide for the continued agricultural use of the land, where this is applicable and/or improvements should be given to biodiversity improvements around the arrays.

In light of the above, it would need to be demonstrated by using a sequential test to determine why the use of this agricultural land is necessary, e.g. why has this site been chosen over other sites and why is it not possible for poorer quality land/brownfield land to be used. Further to this, it is expected that a further planning assessment of the impact of the temporary loss of this land upon the economy, both locally and regionally and upon the farm unit itself (both positive and negatives).

It would need to be clearly demonstrated at the application stage that the benefits of this proposal outweigh the potential temporary loss of agricultural land and the potential impact on its soil quality, if any.

### **Impact upon character and appearance of the area**

The proposed development should respond to the scale, height, materials and site coverage of the area and should respect the topography and character of the site and

surrounding area.

Policy L08 of the Core Strategy and policy EN1 of the ADMP would apply here.

It was discussed in our meeting that views of the solar farm may be limited from outside of the site due to the topography of the site and the surrounding area. As discussed in the meeting, the preferred siting for the 49MW solar farm would be towards the southeastern end of the site, however the cumulative impact/effect of this development and the adjacent development would need to be assessed carefully.

However, there is likely to be views within the site from the public rights of way. It was also suggested that a comprehensive landscape and visual impact assessment (LVIA) is carried out for the development to assist our understanding of how the development would appear within the landscape from key public vantage points. This assessment should include an assessment of any views from the adjacent AONB (to the west) and the listed buildings as already identified. Further to this a Glint and Glare Assessment should be submitted with any forthcoming submission. Also further information from the impacts of ancillary equipment i.e. - fencing, CCTV. Any proposed landscaping measures would need to be native and add ecological value to the site, so it would assist in softening and blending the site into the surrounding landscape.

### **Biodiversity**

Policy SP11 of the Core Strategy applies here. Paragraph 180 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Natural England and the Forestry Commission also provide standing advice.

The has the potential to be located adjacent to a Ancient Woodland and local wildlife site of Horton Wood. Based on the information provided, the proposed solar farm should not be within the 15m buffer zone for the Ancient Woodland. However, it would still be necessary to consider the potential impacts of the development on trees and ecology. This may require arboricultural and ecological surveys to be carried out, which should be submitted alongside any forthcoming application. Subject to the findings of the surveys, there may be potential for the development to provide biodiversity improvements and further surveys may be required. If any further surveys are required as highlighted by the PEA, please ensure that are undertaken prior to the submission of any forthcoming application.

### **Highways**

Due to rural location of the site, many roads are single carriageways. It is important that understand the routing of construction vehicles during the construction phase of the development. This was a primary concerns of the Parish Councils and Highway Authority. It is expected that a transport assessment together with a traffic management plan.

There are public rights of way which cut through the site. There is separate legislation relating to public rights of way known as the Countryside and Rights of Way Act. It is recommended that you review this and discuss the proposal with the Public Rights of Way Officer at Kent County Council (KCC) to establish whether there may be any issues in this respect.

In terms of the highways impact of the proposal, it is strongly recommended that you seek further pre-application advice from Kent County Council Highways and KCC Public Rights of Way Team. For further details, please click on the following link:

<https://www.kent.gov.uk/environment-waste-and-planning/planning-and-land/planning-applications/planning-advice/highway-pre-application-advice>

### **Impact upon existing residential amenity**

Policy EN2 of the ADMP applies here. It states that development should not result in excessive overlooking or visual intrusion or result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

Paragraph 130 of the NPPF states that planning decisions should ensure a high standard of amenity for existing and future users.

Furthermore, paragraph 185 states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.

It is important that the development is sited away from Horton Kirby and consider the use of native species planting to soften the impact of the development from any potential views.

It is not possible to fully consider the impact on residential amenities until a planning application is submitted and a site visit is made. However, with regards to noise and disturbance, a noise assessment using BS: 4142 (2014+A1 2019) guidance would need to be carried out to identify any nearby sensitive noise receptors, measure the baseline noise and assess the impact the proposed noise from the solar farm will have on the nearby receptors. With regards to the use of inverters, these should be positioned away from residential dwellings as far as possible due to potential for the associated 'humming' noise becoming a nuisance to nearby dwellings, this would also apply to any other plant.

### **Heritage Assets**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or

its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

The NPPF also states that great weight should be given to the conservation of heritage assets (para.199). Policy EN4 of the ADMP applies here.

The Landscape and Visual Impact Assessment may help to establish whether the proposal is likely to harm the setting and significance of the listed buildings as already identified in your submission. It is recommended that any future application be accompanied by a heritage statement. The statement should take account of the setting of each of the listed buildings. It should demonstrate that the setting and significance of the listed buildings would not be harmed, or if they would be, that justification exists for the established harm.

It is more than probable that the site may possess some archaeological features of interest. It is recommended that you should contact KCC Archaeological Officer for further details on this issue.

Contact: Wendy Rogers - Senior Archaeological Officer - Tel: 03000 413448, email - [wendy.rogers@kent.gov.uk](mailto:wendy.rogers@kent.gov.uk)

### **Other Issues**

It is expected that the Local Lead Flood authority would be interested in relation to the potential impact of the development by increasing surface water run-off rates and issues arising from soil erosion, due to the extent of panelled surfacing being created. Further advice from LLFA can be sought using pre-app service

<https://www.kent.gov.uk/environment-waste-and-planning/flooding-and-drainage/sustainable-drainage-systems#tab-1>

High Pressure Pipeline runs across the southeastern portion of the site as submitted. To ensure that the pipeline is not compromised it would be worth considering the use of a 'no-construction' buffer zone. You may want contact the National Grid for further advice.

Any proposed lighting, should be accompanied by an external lighting assessment to order to determine whether the use of external lighting would be appropriate or not and whether any mitigation is required as the area where the solar farm is to be sited is intrinsically dark.

As previously mentioned, it cannot be stressed enough to have dialogue with the affected Parish Councils. Early pre-application engagement with them is strongly recommended and it would be advantageous to already have earmarked likely construction transportation routes to the site, as they would be concerned how construction traffic is likely to have upon the local road network and if any, impact upon the village.

As stated at the meeting, it is recommended that your submission should be guided by the National Policy Statement (NSP) for Energy (EN-1 EN-3 2011 and the draft 2019 EN-1). This

will give you focused and valued guidance on what expected assessments would be required for a solar park of this magnitude.

Due to the size extent of the development, within the Green Belt, it is likely that if the local planning authority wishes to support the proposal, the application will need to be referred to the Secretary of State under the Town and Country Planning (Consultation) Direction 2021, to see whether the Secretary of State wishes to call-in the application or not.

You may want to consider the benefit of entering Planning Performance Agreement (PPA) with the Council and encourages joint working and setting out an efficient and transparent process for determining an application through the planning process. A PPA is agreed voluntarily between yourself and the Council prior to the application being submitted and sets out key milestones that need to be adhered to. However, it does not necessarily guarantee that you would receive a favourable decision. Should you want to enter into a PPA, in the first instance, please contact us and we can discuss this matter further.

### **Conclusion**

Please note that this letter is not intended to provide a comprehensive response of all issues which may be relevant. The advice refers to the issues we consider likely to be the most pertinent to the consideration of an application in the event of a submission along the lines presently proposed.

This advice is without prejudice to the decision making processes of the local planning authority and in no way prejudices any future determinations or decisions made by the local planning authority.

Please review the additional information attached to this letter.

Yours sincerely

Sean Mitchell  
Case Officer

## APPENDIX

### Planning Policy and Constraints

The planning constraints listed below may be of particular relevance to your proposal:

- Metropolitan Green Belt
- Archaeological Notification Area;
- Adjacent Ancient Woodland - Horton Wood
- Adjacent Local Wildlife Site- Horton Wood
- Gas pipeline - National Grid
- Public Right of Way - SD156, SD333
- Best and Most Versatile Agricultural Land (Provisional Grades 2 & 3)

You can find further information on other constraints that may be relevant to your proposal, by using the interactive map on our website:

<https://maps.sevenoaks.gov.uk/planning/>

Both national and local planning policy will be relevant to your proposal, if a planning application is submitted for the site. You can review these policies on the following websites:

National Planning Policy Framework (NPPF)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Sevenoaks District Council: [https://www.sevenoaks.gov.uk/info/20014/planning\\_policy](https://www.sevenoaks.gov.uk/info/20014/planning_policy)

In particular, please refer to the policies in the Core Strategy 2011 and the Allocation and Development Management Plan (ADMP) 2015 and our Supplementary Planning Documents.

### New Local Plan

Please note that Sevenoaks District Council is currently undergoing the process to adopt a new local plan. As such, dependent upon the time of any planning applications submission local policy considerations may have changed. Planning decisions will be based upon the adopted local policies at the time of the decision. The applicant is advised to review the proposed timetable for the adoption of the new local policies, please see link below:

[https://www.sevenoaks.gov.uk/info/20069131/plan\\_2040](https://www.sevenoaks.gov.uk/info/20069131/plan_2040)

### Community Infrastructure Levy (CIL)

Please note under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Sevenoaks Community Infrastructure Levy (CIL) may be chargeable on this development.

Applicants are recommended to take their own advice. For further information please see the planning portal website:

<https://www.planningportal.co.uk/planning/policy-and-legislation/CIL/about-CIL>

and Sevenoaks District Council website:

<http://www.sevenoaks.gov.uk/services/housing/planning/planning-applications/community-infrastructure-levy-cil>

### **Consideration of this pre application response**

The information and advice in this letter is not intended to provide a comprehensive response of all issues which may be relevant, but intends to set out those which I consider likely to be most pertinent to the consideration of an application in the event of a submission along the lines presently proposed.

Please note that this response is given at officer level, does not constitute a formal response or decision and should not be considered as binding on the Council in the event of a consequent planning application.

I would recommend that you research all relevant policies and guidance, which may change over time, and consider how they apply to your proposal before submitting any planning application. You may also wish to discuss your proposals with adjoining properties prior to submission as the Council will notify them of the application and you may be able to address their concerns prior to submission.

As a final note, please be advised that Planning Validation Requirements and application forms can be found on the planning section of our website. You do not need to fill out the validation list, but it will help guide you as to what information should be submitted to ensure swift validation of your application.



**Appendix 2 – Decision Notice and Committee Report –  
Planning Application 21/00834/FUL at Crouch Farm,  
Dunton Road, Herongate, Brentwood, Essex**





# Appeal Decision

Site visit made on 21 February 2023

**by A Berry MTCP (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 April 2023**

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**Appeal Ref: APP/V1505/W/22/3301454**

**Park Farm, Dunton Road, Herongate CM13 3SG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr James Nicol of Crouch Solar Farm Limited against the decision of Basildon Borough Council.
  - The application Ref 21/00758/FULL, dated 5 May 2021, was refused by notice dated 27 January 2022.
  - The development proposed is described as “construction and operation of a solar farm together with all associated works, equipment and necessary infrastructure”.
- 

## Decision

1. The appeal is allowed, and planning permission is granted, for the construction and operation of a solar farm together with all associated works, equipment and necessary infrastructure at Park Farm, Dunton Road, Herongate CM13 3SG in accordance with the terms of the application, Ref 21/00758/FULL, dated 5 May 2021, subject to the conditions in the schedule to this decision.

## Procedural Matters

2. The Council reference emerging policies within the Basildon Borough Local Plan 2014-2034. However, the Council withdrew the plan from examination in March 2022. Therefore, these policies are no longer relevant to the appeal. I have therefore determined the appeal on this basis.

## Background

3. The whole solar farm development straddles three local authority administrative areas; Basildon Borough Council, Brentwood Borough Council and Thurrock Borough Council. Approximately 35 hectares of the site falls within Brentwood Borough Council, approximately 3 hectares and part of the underground cable route falls within Basildon Borough Council, and a small section comprising part of the underground cable route falls within Thurrock Borough Council.
4. The development contained within Brentwood Borough Council’s administrative area was approved in November 2021<sup>1</sup>. The Council referred the decision to the Secretary of State as a departure from the development plan and the Secretary of State confirmed that the application would not be called in. Two separate planning applications for the connector cable were approved by Basildon

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<sup>1</sup> Planning Reference 21/00834/FULL

Borough Council in January 2022<sup>2</sup> and Thurrock Borough Council in December 2021<sup>3</sup>.

5. This appeal therefore relates only to the approximate 3 hectares of the site that falls within Basildon Borough Council, excluding the connector cable route.

### **Main Issues**

6. The appeal site is located within the Green Belt. The National Planning Policy Framework ('the Framework') states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 149 and 150 of the Framework define different types of development that could be an exception to inappropriate development in the Green Belt. It is uncontested by the main parties that the solar farm would not comply with any of these exceptions. From the evidence before me, I see no reason to disagree with this assertion. The proposal would therefore be inappropriate development in the Green Belt.
7. Accordingly, the main issues are:
  - the effect of the proposed development on the openness of, and the purposes of including land within, the Green Belt, having regard to the Framework; and
  - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

### **Reasons**

#### *Green Belt – Openness and Purposes*

8. The Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has both visual and spatial qualities. Policy BAS GB1 of the Basildon District Local Plan Saved Policies, adopted 2007 (LP) seeks to ensure the long-term expansion of built-up areas is acceptable in the context of the purposes of the Green Belt and other provisions in the Local Plan. Thus, insofar as is relevant to this appeal, LP Policy BAS GB1 is broadly consistent with the Framework.
9. The appeal site comprises approximately one quarter of an existing agricultural field that is demarcated by tree and hedge field boundaries to the south and east and follows the irregular and imaginary line of the Council's administrative boundary to the north and west. It is currently devoid of any buildings or structures. The proposed solar panels would be sited in horizontal rows, covering an area of approximately 3 hectares. Perimeter fencing of 2m in height would be erected along the southern and eastern boundaries and CCTV cameras mounted on top of 2.5m high poles would be positioned at approximate 50m intervals around the perimeter. In spatial terms, the proposed development would reduce the openness of the Green Belt.
10. A Public Right of Way (PRoW) traversing north to south would navigate in close proximity to the appeal site, and a bridleway traverses east to west along the southern boundary of the appeal site. Furthermore, the A127 (the Southend

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<sup>2</sup> Planning Reference 21/01765/FULL

<sup>3</sup> Planning Reference 21/01752/FUL

Arterial Road) is located in close proximity of the appeal site to the south which has pavements along either side. Users of the PRoW, bridleway and A-road would be afforded a clear view of the proposed development and therefore it would be visually prominent within localised views. The proposal would also be visible from the property located near to the southeast corner of the appeal site. The undulating landform of the surrounding area together with tree belts would restrict longer-range views of the site.

11. The proposed solar arrays would be relatively modest in mass and footprint and would be spaced at regular 3.2m intervals that would reduce the overall scale of the development. Furthermore, the proposed development would be in place for a period of up to 40 years, before being fully demounted and the land returned to its former condition at the end of its use. As such, whilst 40 years is a long period of time, it is not permanent. Therefore, the impact on the openness of the Green Belt would be reduced with the site ultimately reinstated to its current open character. Consequently, both visually and spatially, the proposed development would result in harm to the openness of the Green Belt.
12. Introducing man-made structures into what is currently an open field, the appeal scheme would represent encroachment of development into the countryside. This would be contrary to one of the purposes of including land within the Green Belt, as set out in paragraph 138 of the Framework.
13. Therefore, in addition to the harm arising from the development comprising inappropriate development in the Green Belt, the proposed development would impact on the openness of the Green Belt in both visual and spatial terms and would be contrary to one of the purposes of including land within the Green Belt. The proposed development would conflict with Chapter 13 of the Framework. For the same reason, it would also conflict with the aims of Policy BAS GB1 of the LP.

### *Other Considerations*

#### *Climate Change*

14. The appellant has directed me to a series of international, national and local publications and Acts in respect of climate change. A material consideration in the determination of planning proposals for renewable energy that fall under the Town and Country Planning Act 1990 (as amended) are the National Policy Statements (NPSs) for the delivery of energy infrastructure. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. In September 2021, draft updates to the Overarching NPS for Energy (EN-1) and the NPS for Renewable Energy Infrastructure (EN-3) were published.
15. The draft NPS EN-3 states that:  
  
*"Solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large-scale solar is now viable in some cases to deploy subsidy-free and at little to no extra cost to the consumer. The Government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero*

*emissions. As such solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector".*

16. The UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions against a 1990 baseline by 2050 within the Climate Change Act 2008 (as amended). Furthermore, the government's Net Zero Strategy: Build Back Greener (2021) seeks to fully decarbonise our power supply by 2035 and accelerate deployment of low-cost renewable generation, including wind and solar. Both of which are a material consideration.
17. Paragraph 152 of the Framework states that the planning system should support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure. While paragraph 158 states that in determining planning applications, applicants are not required to demonstrate the overall need for renewable or low carbon energy; that decision makers should 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.
18. The solar arrays within the appeal site would generate approximately 2.4MW, the equivalent of powering the needs of approximately 797 dwellings in Basildon and saving 539 tonnes of CO<sub>2</sub> per annum. Therefore, the energy benefit of the proposal must be afforded considerable weight.

#### *Approved Scheme*

19. The appeal site forms a small part of the overall solar farm. As previously discussed, approximately 35 hectares of the surrounding agricultural fields have approval for a solar farm<sup>4</sup>. Accordingly, approximately three quarters of the field in which the appeal site is located would be covered with solar panels. Furthermore, the three fields to the north of the appeal site would also be covered with solar panels and associated buildings/structures.
20. The approved solar farm would be sited adjacent to the PRoW, closer to it than the appeal site, and would also be sited a similar proximity to the bridleway and the A127. Furthermore, it would be sited close to properties to the north and east fronting onto Dunton Road. Therefore, due to the scale and siting of the approved scheme, it would have a significant impact in visual and spatial terms on the openness of the Green Belt and would represent encroachment into the countryside. Consequently, due to the limited size and scale of the appeal proposal, when compared to the approved solar farm, it would result in limited additional harm to the openness of the Green Belt.

#### **Other Matters**

21. I have had regard to the comments of interested parties. Matters in respect of works traffic and the route it would use could be controlled by condition, while Essex Highways confirmed that there have been no recorded incidents for two junctions referred to by an interested party. While the construction phase of the development could potentially be disruptive, it would be short-term, and some effects could be mitigated by condition. The potential effect of the development on the environment for animals, birds and plant life could also be mitigated by condition.

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<sup>4</sup> Planning Reference 21/00834/FULL

22. I have no substantive evidence before me to corroborate that solar panels are constructed of dangerous chemicals that have the potential to leak, and there is no indication that this would likely occur in this instance. The loss of a view and the potential devaluation of property are not material planning considerations. In any event, the proposal would not be permanent.

### **Conditions**

23. I have had regard to the conditions suggested by the Council and the tests for conditions set out within the Framework. As a result, I have made amendments to some of the conditions in the interests of clarity, precision and to avoid repetition. In addition to the standard condition, which relates to the commencement of development, I have specified the approved plans for the avoidance of doubt.

24. Conditions requiring a commencement notice to be submitted, and for the cessation of the development and the land returned to its current condition either no later than 40 years from the date of the commencement notice or if the solar farm ceases to export electricity to the grid for a continuous period of 6 months are required to ensure that the development is not permanent, to support the very special circumstances of allowing the proposed development, and to preserve the openness of the Green Belt.

25. Conditions securing the precise details of the proposed development's final layout is necessary to ensure its appearance does not harm the character or appearance of the surrounding area or the living conditions of the occupiers of residential properties. However, it is not necessary to attach a separate condition in respect of the colour and details of materials for any proposed buildings or structures, as the appeal site does not contain any of these features. I have therefore omitted this suggested condition.

26. I am satisfied that conditions in respect of a Construction Management Plan are necessary in respect of highway safety. Conditions in respect of Sustainable Urban Drainage Systems (SUDS) to prevent potential flood risk elsewhere and to mitigate any environmental harm which may be caused to the local water environment are required. However, I have amended the wording of Condition 10(b) to accord with the wording of the same condition applied to the larger part of the site, following a recently approved s73 application<sup>5</sup> by Brentwood Borough Council. I am also satisfied that a condition in respect of security details is necessary to ensure that the proposed measures are appropriate to the rural character of the site and from a health and safety requirement.

27. Conditions in respect of archaeology are necessary due to the conclusions of the Historic Environment Desk-Based Assessment (2021) submitted with the appeal. Similarly, conditions in respect of a Construction Environmental Management Plan, a Landscape and Ecological Management Plan and a Landscaping Scheme are necessary to conserve and enhance the biodiversity of the appeal site, to reduce the proposal's visual impact on the surrounding area, and to mitigate noise and dust impacts during the construction phase.

28. The appellant has confirmed they are agreeable to the imposition of those conditions that are pre-commencement conditions. I am also satisfied they are justifiably pre-commencement.

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<sup>5</sup> Planning Ref: 22/00667/FUL

## **Planning Balance and Conclusion**

29. The proposed development would be inappropriate development in the Green Belt, it would harm the openness of the Green Belt and it would conflict with one of the purposes of including land within the Green Belt. As such, the Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
30. I have found that considerable weight should be afforded to the benefits of the proposed development in respect of climate change, and that the proposed development would result in limited additional harm to the openness of the Green Belt when considered in the context of the significantly larger approved solar farm of which the appeal site forms a part. Therefore, the material considerations are of sufficient weight to clearly outweigh the substantial harm to the Green Belt and the very special circumstances necessary to justify the development exist.
31. The appellant has advanced other benefits that the proposed development would provide, such as biodiversity enhancements and the economic benefits of the diversification of agricultural businesses. However, as I have already found that the material considerations detailed above clearly outweigh the substantial harm to the Green Belt, I do not consider it necessary to analyse these other benefits.
32. For the reasons set out above, having regard to the development plan as a whole and all other matters raised, I conclude that the appeal should be allowed.

*A Berry*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be begun not later than three years from the date of this permission.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans:
  - SP-01 Revision 02
  - DZ-01 Revision 03
  - SD-01 Revision 01
  - SD-01 Revision 02
  - SD-02 Revision 02
  - SD-03 Revision 01
  - SD-04 Revision 02
  - SD-08 Revision 02
  - SD-15 Revision 01
  - SD-16 Revision 01
  - SD-17 Revision 01
- 3) Prior to the commencement of the development hereby permitted, a final detailed site layout plan including full details of the final locations, design and materials for the panel arrays, fencing, gates and CCTV cameras, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter permanently retained in the agreed form.
- 4) If the solar farm ceases to export electricity to the grid for a continuous period of 6 months, a scheme shall be submitted to the local planning authority for its written approval within 3 months from the end of the 6-month period for the removal of the solar farm and associated equipment and the restoration of that part of the site to agricultural use. The approved scheme of restoration shall be fully implemented within twelve months of the written approval being given.
- 5) The development hereby permitted shall not begin the export of electricity until a commencement notice has been submitted to, and acknowledged by, the local planning authority detailing the start date of first electricity export.
- 6) No later than 40 years from the date of the commencement notice detailing the start date of first electricity export, all buildings, hardstandings, access tracks, walls/fences/gates, containers, chattels, plant and related equipment on the site shall be permanently removed from the site, together with all waste materials resulting from such removal, and the restoration of the land to agricultural use. Furthermore, if the use as described in the application permanently ceases before that time, then the site clearance and restoration shall occur within 28 days of that cessation occurring, or other period as may be agreed in writing by the local planning authority.
- 7) Prior to the commencement of development, including any ground works, a Construction Management Plan shall be submitted to, and approved in

writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- a. Suitable construction vehicle routes for all construction vehicles.
  - b. The parking of vehicles of site operatives and visitors.
  - c. Loading and unloading of plant and materials.
  - d. Storage of plant and materials used in constructing the development.
  - e. Wheel and underbody washing facilities.
  - f. The location of the construction compound.
  - g. Construction signage and traffic management measures.
  - h. Details of a nominated developer/resident liaison representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.
- 8) Part 1 – Prior to the commencement of development, a programme of archaeological work shall be secured and implemented, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority. The scheme of investigation shall include an assessment of significance and research questions and:
- a. The programme and methodology of site investigation and recording.
  - b. The programme for post investigation assessment.
  - c. Provision to be made for analysis of the site investigation and recording.
  - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
  - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
  - g. The site investigation shall be completed prior to the commencement of development, or in such other phased arrangement, as agreed and approved in writing by the local planning authority.

Part 2 - The solar farm shall not be brought into operation until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the local planning authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Part 1 of this condition, and the provision made for analysis, publication and dissemination of results and archive deposition.

- 9) Part 1 - Should the archaeological evaluation referred to in Condition 8 identify any significant archaeological deposits, the final detailed site layout plan required by condition 3 shall include Archaeological Exclusion Zones within which below and above ground development will be excluded or provide sufficient design mitigation including but not limited to the use of above ground cables, concrete shoes or other means to avoid any impact on archaeological deposits if required.



Part 2 - If there are archaeological areas to be preserved in situ, prior to the commencement of development, a management plan for these areas shall be submitted to and approved in writing by the local planning authority, setting out the methodology to secure the ongoing protection of these areas during construction, operation and decommissioning of the solar farm. The development shall be undertaken in accordance with the approved details.

- 10) Prior to the commencement of development, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

The scheme should include but not be limited to:

- a. Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
  - b. If infiltration is not viable, then the drainage scheme should be shown to be limiting discharge rates to Q1 greenfield run-off rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
  - c. Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - d. Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
  - e. Final modelling and calculations for all areas of the drainage system.
  - f. The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
  - g. Detailed engineering drawings of each component of the drainage scheme.
  - h. A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - i. A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- 11) Prior to the commencement of development, a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall be submitted to, and approved in writing by, the local planning authority. The development shall be undertaken in accordance with the approved details.
- 12) Prior to first use of the development hereby permitted, a maintenance plan detailing the maintenance arrangements including, who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed in

writing, by the local planning authority. It should additionally show that there is a regular and strict maintenance plan in place for the outfall to reduce the risk of blockage. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided. The development shall be undertaken in accordance with the approved details.

- 13) The applicant or any successor in title shall maintain yearly logs of maintenance which should be carried out in accordance with any approved maintenance plan. These must be available for inspection upon a request by the local planning authority.
- 14) Prior to the commencement of development (including ground works and vegetation clearance), a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The construction process shall be undertaken in accordance with the approved details.

The CEMP shall include the following:

- a. Risk assessment of potentially damaging construction activities.
  - b. Identification of "biodiversity protection zones".
  - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d. The location and timing of sensitive works to avoid harm to biodiversity features.
  - e. The times during construction when specialist ecologists need to be present on site to oversee works.
  - f. Responsible persons and lines of communication.
  - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h. Use of protective fences, exclusion barriers and warning signs.
  - i. Details for the control and management of noise and dust during the construction phase.
  - j. Shall have due consideration of noise guidance contained within BS 5228:2009+A1:2014.
- 15) Prior to the commencement of development, a landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include the following:
    - a. Description and evaluation of features to be managed.
    - b. Ecological trends and constraints on site that might influence management.
    - c. Aims and objectives of management.
    - d. Appropriate management options for achieving aims and objectives.
    - e. Prescriptions for management actions.
    - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
    - g. Details of the body or organisation responsible for implementation of the plan.
    - h. Ongoing monitoring and remedial measures.
    - i. Details of seed mixtures to be sown in 'cover crop' areas.

- j. Details of appropriate management of cover crops.
- k. Details of stocking densities (if sheep are to be used to manage grassland areas).
- l. Details of maximised grassland margins to increase likelihood of providing nesting Skylark habitat.
- m. Details of proposed planting specifications.
- n. Details of landscaping and biodiversity net gain areas.
- o. Details of who will manage and maintain these areas once operational.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 16) Prior to the commencement of development, and notwithstanding the details contained with the LEMP, a landscaping scheme containing details of both hard and soft landscape works and soft landscaping management shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details prior to the first exportation to the National Grid, or in the first available planting season following such exportation and shall be permanently retained and maintained in accordance with the agreed lifetime of the development.

The details to be submitted shall include:

- a. Hard surfacing including pathways and driveways, other hard landscape features and materials.
  - b. Existing trees, hedges or other soft features to be retained.
  - c. Planting plans including specification of species, trees, planting centres, number and percentage mix.
  - d. Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife.
- 17) Prior to the first use of the development, full details of the security systems and physical measures to protect the equipment from damage and discourage unauthorised entry (for example CCTV, fencing and other safety or monitoring systems) shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

**\*\*\*End of Conditions\*\*\***

Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

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