

Application Number	23/0580/FH
Location	Pent Farm, Pilgrims Way CT21 4EY
Application Description	Photovoltaic solar array, ancillary infrastructure, and landscaping.
Applicant	Mr Gary Bird, c/o Agent.
Agent	Mr Tom Roseblade, RNA Energy Ltd, Well House Barns, Units 5 & 11, Chester Road, Broughton, CH4 0DH
Officer Contact:	Alex Stafford

Recommendation

The proposals are considered to be contrary to local and national planning policies and it is therefore recommended that planning permission be refused for the reason set out at the end of the report.

1. Reason for consideration by the Committee

- 1.1. The application is reported to the Planning Committee at the request of district Councillor, Councillor Scoffham. Further, given the scale and location of the development I consider that the scheme should be considered by the Planning Committee.

2. Site and Surroundings

- 2.1 The site comprises six fields of arable farmland approximately 27ha, bounded by hedgerows (with some trees) and ditches. There is a small linear area of woodland to the north of the site. The site is located immediately to the east of Stone Street and north of the Stanford electricity substation. Power lines cross the site from the southwest to the northeast. Access to the site is via an existing farm access to the west.
- 2.2 The site is located within the Kent Downs National Landscape (formally known as the AONB¹) and the Wealden Greensand Landscape Character Area (LCA).
- 2.3 The site has a gently undulating landform and forms part of a wider area of farmland and scattered small settlements at the foot of the scarp of the North Downs, which overlooks a wide sweep of land to the south and offers far-reaching and expansive views. Topographically this lower lying and generally

¹ On 22 November 2023, all designated Areas of Outstanding Beauty (AONBs) in England and Wales were renamed 'National Landscapes' (NLs). Accordingly, the Kent Downs AONB is now the Kent Downs National Landscape. Its legal designation and policy status remain the same.

level area of farmland forms a marked contrast to the steep scarp of the North Downs which rises to high ground at the car parking area at Farthing Common and from there eastwards along Farthing Common Road. To the west, east and south, there is some intervisibility with surrounding land, but this is limited by the area's extensive woodland cover, field boundary hedgerows and by landform.

- 2.4 The site has a farmland character and field pattern which is consistent with surrounding areas of relatively low lying and gently undulating arable and grazing land. Although generally rural/agricultural in character, the site is also influenced to some degree by the adjacent road and nearby scattered residential development, and by pylons and power lines which cross the site and wider area.
- 2.5 The Agricultural Land Classification survey submitted identifies that all of the land within the site is graded as Grade 3b (moderate quality agricultural land). The survey identifies that the most significant limiting factor (resulting in the ALC grade of 3b across the site) is the wetness of the soils.
- 2.6 There are no listed buildings or other heritage assets located within the site, with the closest being the Grade II listed Pent Farmhouse located approximately 700m away. The Grade 1 listed Church of St Mary and St Radegund is located approximately 1km to the east within the village of Postling within the Postling Conservation Area.
- 2.7 The site is also located within an area of archaeological potential and is within Floodzone 1 and the Stour Catchment.
- 2.8 There are a number of public rights of way within the area with PROW (HE219) running adjacent to the southern boundary. The North Downs Way National Trail follows the chalk escarpment to the north of the site, approximately 650m away.
- 2.9 The closest residential property to the application site is located approximately 80m south west of the site, separated from the site by the substation.
- 2.10 Figures 1 and 2, below detail the extent and location of the site. A site location plan is also attached to this report as **Appendix 1**.



Figure 1: Site Location Plan



Figure 2: Site Location Plan

3. Proposal

- 3.1 Full planning permission is sought for the development of a solar farm which could generate up to 18MW (during peak operation), comprising of the following elements:
- Photovoltaic Solar Panels and associated support frames;
 - String inverters;
 - Transformer Stations;
 - 1 No. Distribution Network Operator (DNO) Substation;
 - 1 No. Control Centre Building;
 - 1 No. Switchroom Building;
 - c.750km of new/resurfaced internal access tracks (3m wide and constructed using compacted Type 3 stone);
 - 2.1km deer/stock fencing;
 - c. 10.8 hectares of species-rich grassland;
 - c. 10.5 hectares of grazed pasture;
 - c. 350m of willow/osier belt planting;
 - c. 1.6 hectares of native species woodland planting;
 - 2 No. ponds.
- 3.2 The areas around the solar PV panels are proposed to be retained as both areas of non-grazed wildflower grassland, and areas retained in agricultural use by grazing sheep. In addition, areas of species-rich grassland are proposed to be provided around the perimeter of fields to increase biodiversity by providing improved habitat and wildlife corridors across the site.
- 3.3 New areas of woodland, woodland belts and hedgerows are also proposed to be planted and existing hedgerows managed to maximise biodiversity value. New ponds are proposed to be created along with areas of wet woodland or willow osier coppice to provide new habitats.
- 3.4 The proposed solar farm would be operational for a period of 40 years after which the site would be decommissioned and restored back to an agricultural use (unless a further planning permission has been secured for continued operation) with the exception of landscaping which would be retained.
- 3.5 The indicative site layout plan showing the general arrangement of the development is shown in Figure 3, below. Figure 4, sets out the proposed landscaping scheme.

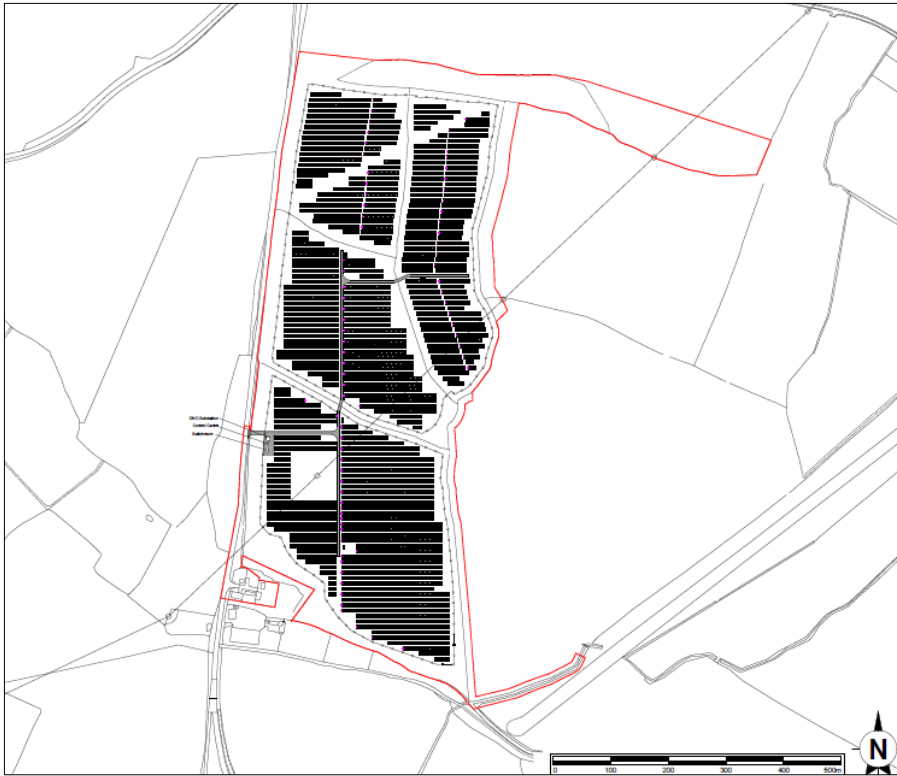


Figure 3: Proposed Layout

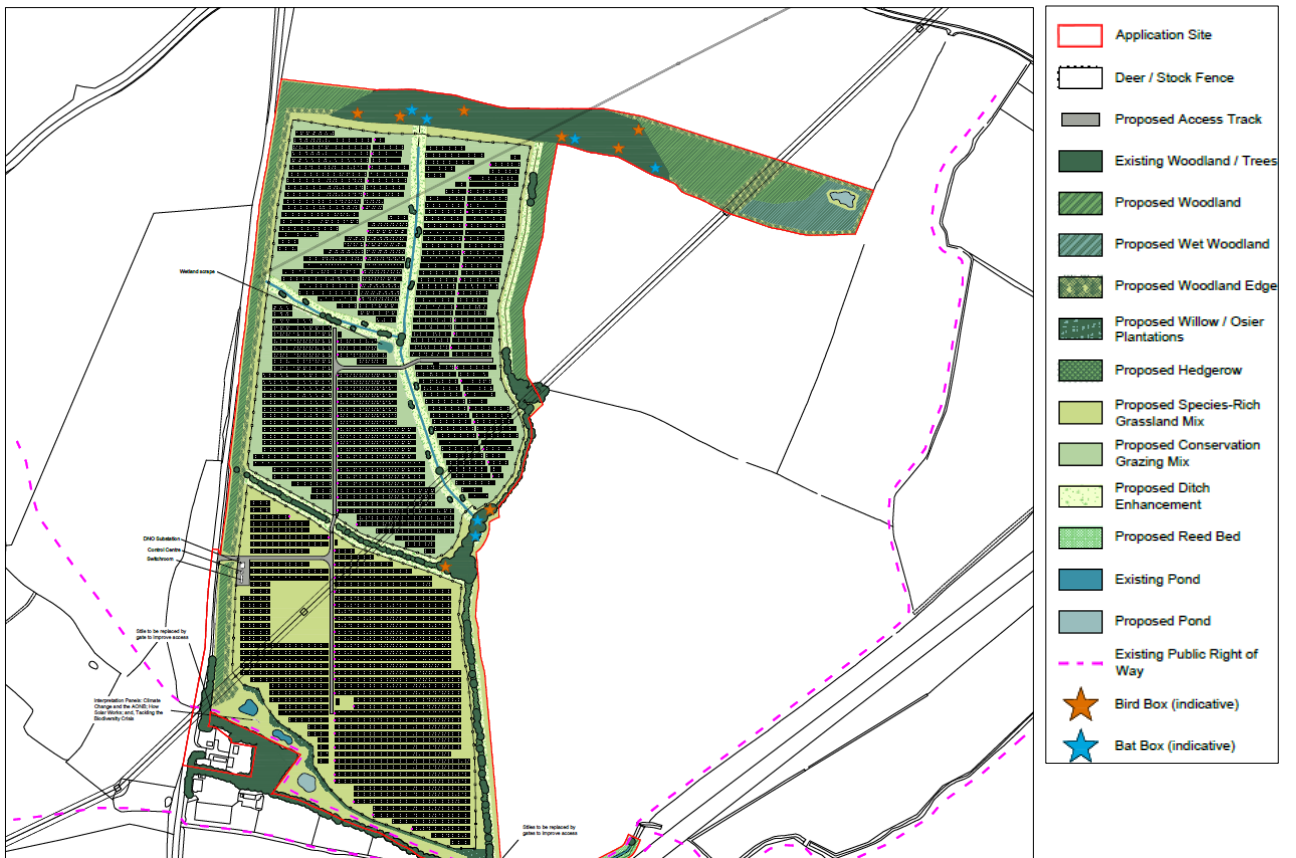


Figure 4: Proposed Landscaping Scheme

- 3.6 The proposed development given its scale is required to be considered against the Environmental Impact Assessment (EIA) regulations and as such the application includes an Environmental Statement.
- 3.7 An EIA Scoping Opinion was adopted by the Council on the 6th of January 2023 which confirmed the scope of the Environmental Statement.
- 3.8 Further details of each element of the proposed development are set out below.

Solar PV Modules and Mounting Structures

- 3.9 Solar PV panels convert sunlight into direct electrical current (DC). Individual panels would typically be up to 2.5m long and 1.5m wide. The individual panels would likely comprise mono-crystalline PV cells underneath a layer of heat strengthened glass. These are likely to be dark blue, dark grey or black in colour.
- 3.10 Panels would be fixed to a mounting structure in groups known as 'strings' at an angle to the sun of 20 degrees. It is expected that the maximum height of the panels from the ground would be approximately 2.4m with the lowest point typically 800mm above ground level. As an example, Figure 6 below shows PV panels attached to strings at the existing Partridge Farm solar farm in Aldington.

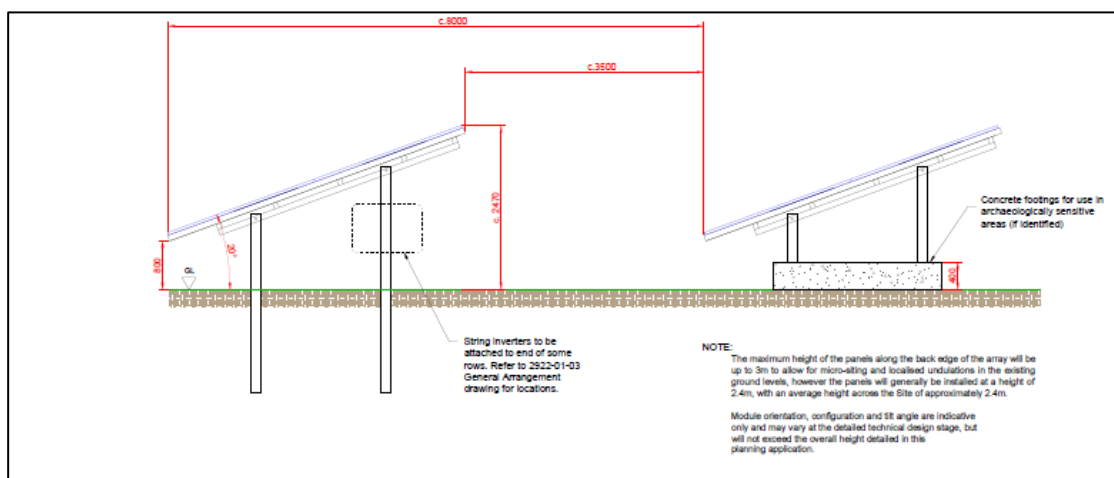


Figure 5: Proposed PV Arrays



Figure 6: PV panels at Partridge Farm solar farm, Aldington, Kent.

- 3.11 The panels would be installed as 'fixed' tilt (rather than utilising single axis trackers) so that once installed there would be no moving parts. Panels would be mounted individually on a steel and aluminium frame attached to steel piles driven to a depth of 1.2 metres (or concrete footings in archaeologically sensitive areas). Piling would only be undertaken between 09:00–17:00 Monday to Friday during the construction phase.
- 3.12 Again, as an example, Figure 7 below shows the underside of strings at the existing Partridge Farm solar farm in Aldington. It is proposed that each row would be approximately 3.5 metres apart to limit the impact of inter-row shading.



Figure 7: Underside of strings at Partridge Farm solar farm

- 3.1. The electrical output from the groups of panels would be exported by low voltage cabling to dedicated stations that would include an inverter, transformer, and switchgear.

Inverters, Transformers, Cabling, Substation, Switchroom and Control Centre

- 3.13 **Inverters** are necessary to convert the DC electricity produced by the solar PV modules into alternating current (AC) so that this can be exported to the on site substation and in turn the National Grid. It is anticipated that the inverters would measure approximately 1.04m wide x 0.7m high x 0.37 deep and attach to the end of panel rows. The inverters would be located at regular intervals amongst the solar PV modules.
- 3.14 The development proposes the installation of four **transformer** stations which would be spread out evenly across the development. The job of the transformer station is to control and increase the voltage of the electricity generated by the solar panels before it reaches the on-site DNO Substation and distribution network. The transformer stations would comprise individual containers (approximately 6.06m long x 2.44m wide x 2.90m high). The transformer

stations would be located on strip or slab foundations depending on ground conditions. The maximum height is proposed to be no greater than 3.4m.

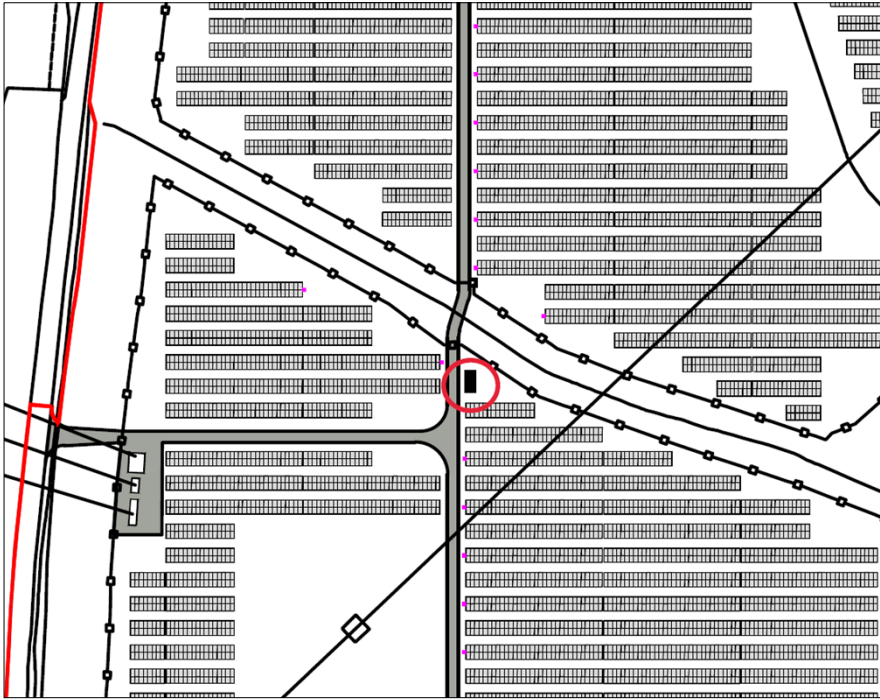


Figure 8: Location of one of the Transformer Stations (circled)

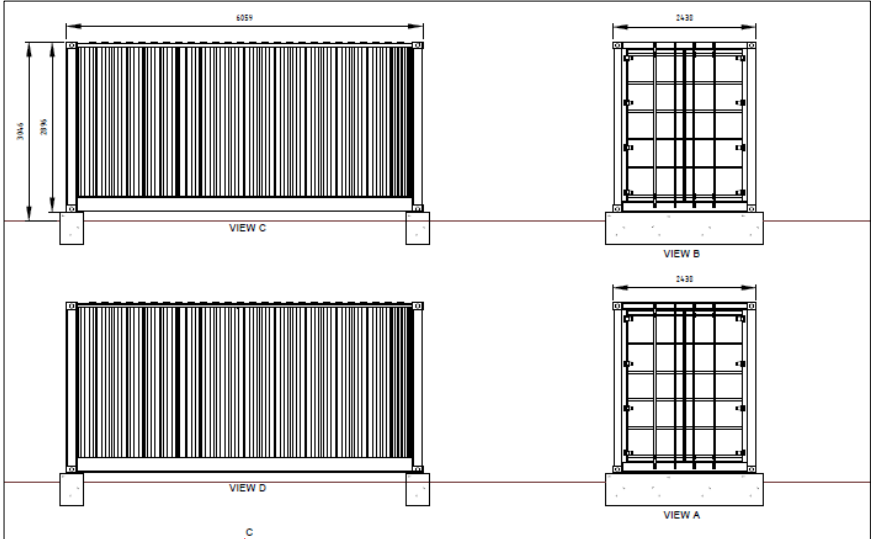


Figure 9: Proposed Transformer Station Elevations

- 3.15 On-site electrical **cabling** would be required to connect the solar panels to the string inverters, to the transformer stations, to the proposed DNO Substation and control centre. It is proposed that cable trenches would run parallel and adjacent to the on-site access tracks and fence lines. Marker posts would clearly demarcate the location of the cables. Cabling will also be required for

power and data transfer associated with the CCTV system. This would generally follow the perimeter fence lines where the CCTV cameras would be located at 150m spacing. In any areas of archaeological sensitivity, surface mounted cable trunking is proposed.

- 3.16 The DNO **Substation** building is proposed to be located close to the Switchroom Building and Control Centre to the west of the site as shown in Figure 10. The illustrative design for the DNO Substation is shown in Figure 11 below, and it would be finished in a green.

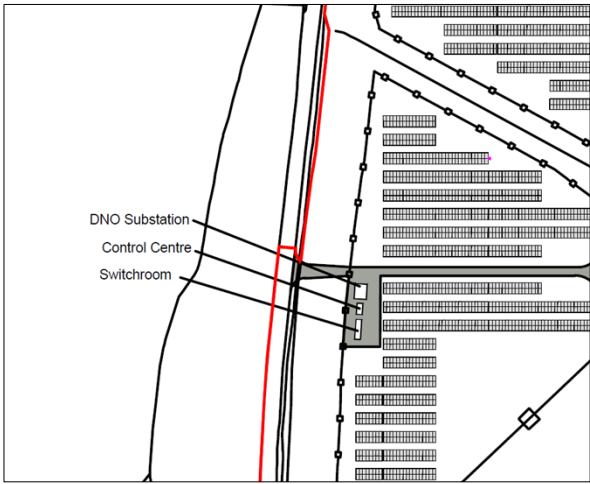


Figure 10: Location of Substation, Switchroom and Control Centre

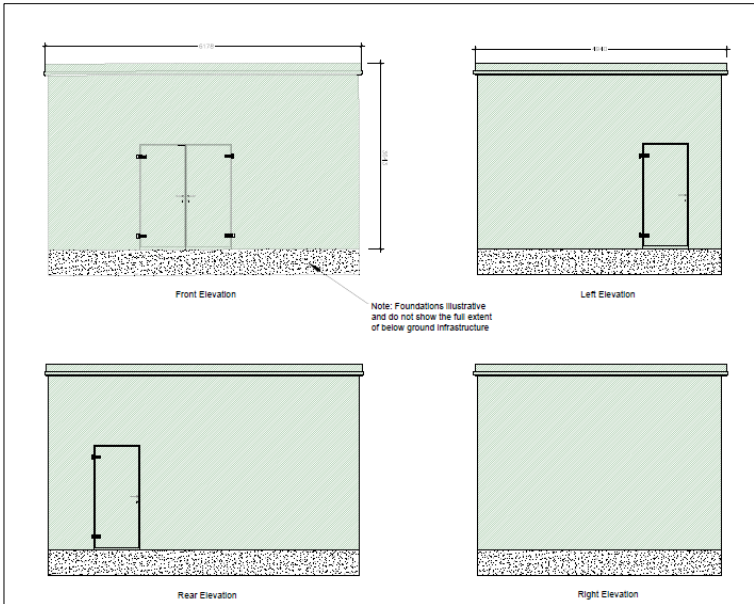


Figure 11: Proposed Substation Elevations

- 3.17 The anticipated design for the Switchroom building is shown in Figure 12, and it is also proposed to be finished in a green colour.

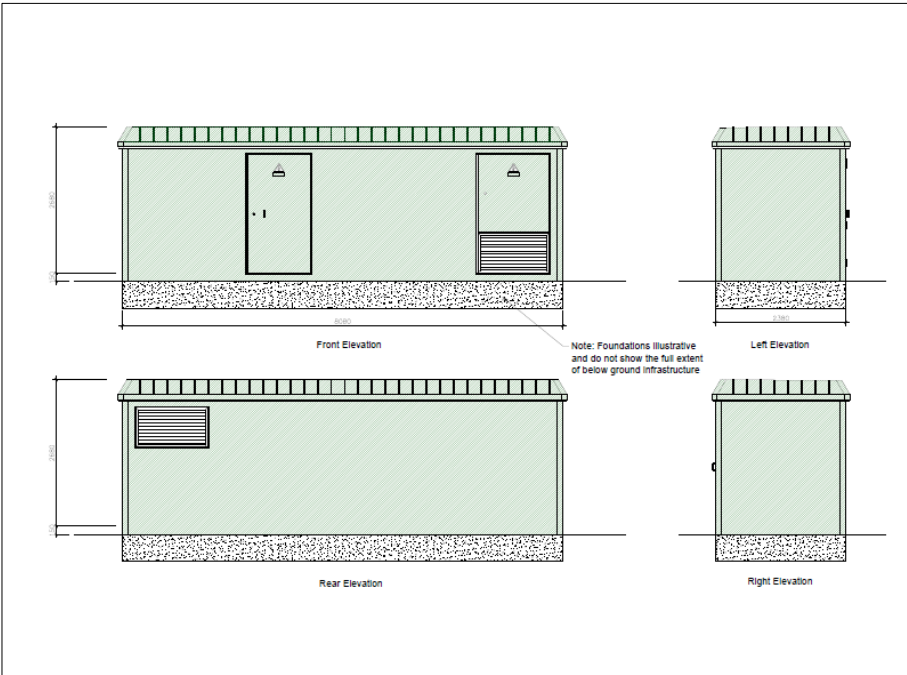


Figure 12: Proposed Switchroom

3.18 The **Control Centre** would contain monitoring equipment. Given that the solar farm would not be permanently occupied by staff no welfare facilities are proposed. The Control Centre would be located with the Substation and Switchroom building, as shown on Figure 10. The building would also be finished in a green colour. Proposed elevations of this building are shown below.

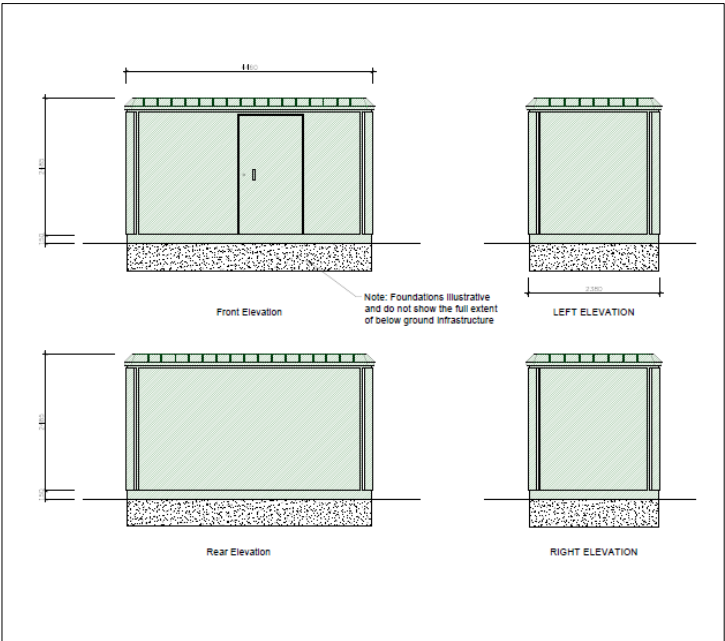


Figure 13: Proposed Control Centre

Access Tracks

- 3.19 The applicant proposes to utilise the existing Stone Street access to the west of the site however widening works would be required to allow for construction vehicles to access the site. The development proposes the creation of approximately 750m of access tracks within the site which would be 3.5m wide. The tracks would be constructed from Type 3 stone within a geogrid over a geotextile membrane. It is proposed that excavated material would be reused.
- 3.20 It is proposed that construction traffic would access the site via the M20 J11 and the B2068. The necessary on-site plant is likely to comprise of small-scale mechanical pile driving rigs, 360° excavators, dumper trucks and rollers, trenching machines, telehandlers, and cranes.

Fencing, CCTV & Lighting

- 3.21 It is proposed that the project would be set within deer/stock proof fencing (post and wire) in 2 sections, approximately 2.1m in height, and which would include appropriate clearance and mammal gates to allow continued animal movement. The details of this are shown below in Figure 14.

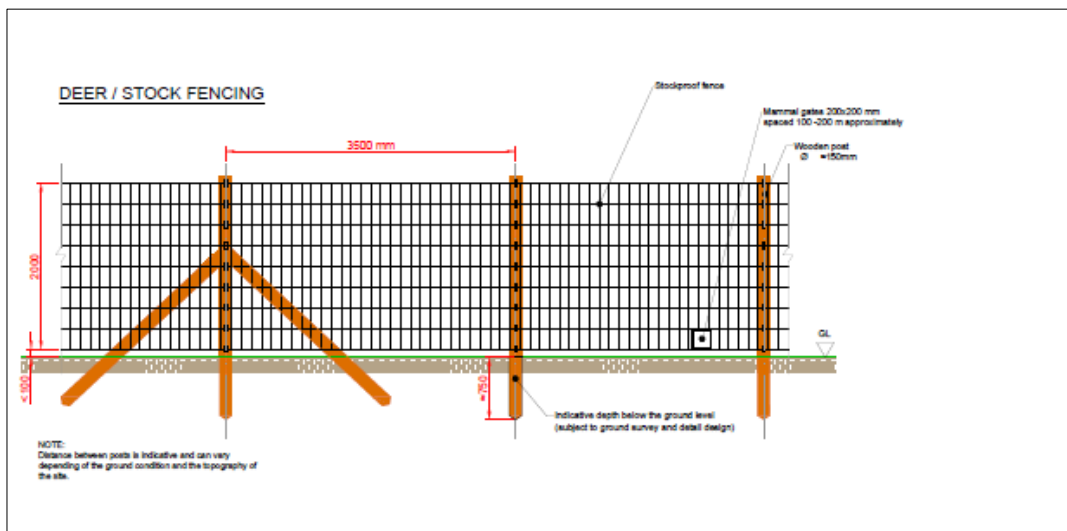


Figure 14: Proposed Fencing

- 3.22 In terms of security a CCTV system is proposed that would comprise pole mounted CCTV cameras which would be spaced every 150m. The CCTV poles would have a maximum height of 3m and would generally have one pan-tilt-zoom (PTZ) camera focussed along the boundary. At certain locations two cameras would be installed so that they can be targeted on specific locations. All cameras would operate using infra-red technology and so would produce no visible light.
- 3.23 The solar farm would not be permanently lit during the operational phase. Lighting would be limited to the Switchgear Building and Control Buildings. Low level lighting would be positioned above access doors and would only be activated by passive infra-red (PIR) sensors for security/emergency purposes or when switched on by a maintenance engineer.

- 3.24 Lighting would also be required during the construction and decommissioning phases of the development which are anticipated to last approximately 32 weeks. During these phases the potential sources of lighting are expected to comprise of headlights from construction traffic and plant, temporary fixed lighting associated with construction compounds including welfare facilities, motion activated security lighting and small scale task lighting for construction activities that occur outside of daylight hours. Construction and decommissioning activities are expected to be limited to 07.30 – 18.00 Monday to Friday and 08.30 – 18.00 on Saturdays and Sundays.

Grid Connection

- 3.25 This point of connection to the grid would be the Stanford Electricity Substation. The connection would follow the B2068 for an approximate 210m length to connect into the substation, via the existing substation entrance.

Landscaping, Environmental and Biodiversity Enhancements

- 3.26 The soft landscape proposals are intended to build on the existing landscape features and seek to:

- Retain existing vegetation patterns as far as practicable by maintaining a minimum 6m buffer between field boundary hedgerows and woodland, and the stock fencing around the development areas;
- Create 9m buffer zones to existing ditches within and around the boundary of the site, with riparian habitats and grasslands alongside the ditches enhanced for ecological benefit;
- Create buffer zones between fence lines and field boundaries for habitat connectivity, either seeding these areas with species-rich grassland mixes or allowing natural regeneration and colonisation by local species;
- Creation of large-scale species-rich grassland with parts of the solar farm for wildlife benefit;
- Creation of woodland areas including both dry and wet woodlands for
- landscape integration and visual screening, and to provide ecological benefits;
- Creation of wildlife ponds to further support invertebrates and amphibians across the site, contributing to the mosaic of habitats present;
- Utilise native species trees and shrubs that are characteristic of this part of the Kent Downs, whilst diversifying the range of native species in the local area to reduce biosecurity threats from pests and disease;
- Retain agricultural activity across the site by grazing parts of the site, promoting regenerative agriculture by careful management of livestock levels.

- 3.27 In addition, the applicant proposes to provide a number of bat and bird boxes around the site to increase nesting opportunities, replace the stiles at either end of the footpath in the south-west corner and south-east corner of the site to improve access; and provide interpretation panels adjacent to the public

footpath in the south of the site to raise awareness of the climate emergency, biodiversity emergency, and to explain the benefits of the development in delivering environmental net gains alongside renewable energy generation.

- 3.28 The applicant states that the development would deliver a significant biodiversity net gain of +86% in Habitat Units, and +48% in Hedgerow Units, which is above the mandatory requirement of 10% set by the Environment Act, and 20% set as a target by the AONB Management Plan;

The Applicant and Landowner

- 3.29 RNA Energy Ltd is a UK energy developer specialising in delivering low carbon energy infrastructure in partnership with private landowners since 2015.
- 3.30 The landowner at Pent Farm seeks to diversify the farm in such a way that contributes to tackling the Climate and Biodiversity Emergencies by taking land out of intensive arable production to facilitate renewable energy generation alongside environmental and biodiversity improvements.
- 3.31 The following reports were submitted by the applicant in support of the proposals. The below is a summary by officers of the contents of the reports submitted by the applicant.

Planning and Design and Access Statement

- 3.32 The Design and Access Statement (D&A) considers the local and national planning policy, the site context and provides a summary of the proposed scheme with information related to the proposed infrastructure, layout, and landscaping. The D&A concludes that the proposal would preserve the character of the site, surrounding area and AONB and will help to address the climate emergency. The D&A is summarised as follows:
- 3.33 The D&A states that the development would assist in delivering the need for renewable energy development in the context of the legally binding net zero target established by the Climate Change Act 2008 (2050 Target Amendment) Order 2019. A very ambitious sub-target for decarbonising the electricity system by 2035 has recently been announced by Government and the scheme would assist in achieving this sub-target.
- 3.34 National Grid ESO's Future Energy Scenarios (and associated data) make it very clear that the development of solar PV and other renewable energy sources needs to be accelerated to achieve this net zero target by 2035.
- 3.35 At a local level Folkestone and Hythe has declared a climate emergency, demonstrating their commitment to tackling climate change and reducing carbon emissions. Action is required now to dramatically alter the current path of future greenhouse gas emissions within the district and nationally. In terms of current electricity usage across the district, there is a substantial shortfall in renewable energy generation to meet electricity needs both within the district,

and in the wider region. It has also been established that there was very limited growth in renewables within the district over the past decade, and that there are no schemes currently in planning in the district to meet the growing electricity need.

- 3.36 The development is financially and technically viable and can be brought forward well in advance of 2035 to start delivering the reductions in CO2 envisaged by legislation and national and local policy & strategy. The development would theoretically supply up to 5,568 houses in the district, equivalent to approximately 11% of existing houses, or 56% of the almost 10,000 homes proposed at the new Otterpool development.
- 3.37 The principal constraint to development at the site is its location just inside the Kent Downs National Landscape (formally known as the Kent Downs AONB), with the point of connection at the Stanford substation also located within the designated landscape.
- 3.38 The applicant and landowner has selected a part of the farm for the development which would have the least visual impact both on local residents and on recreational users of the landscape. The site is characterised in part by the infrastructure which crosses it, including the high voltage pylons and power lines which detract from views and the scenic quality of views at a local scale. It is therefore not a part of the AONB with clear and uninterrupted views from the scarp of open countryside, with an absence of development.
- 3.39 The scarp slope of the AONB extends for almost 90km along the southern edge of the Kent Downs AONB, between Westerham in the west and Folkestone in the east. The development would be visible, intermittently, from locations within an approximate 3.5km section of the scarp slope. This represents localised visual effects to approximately 4% of the scarp.
- 3.40 Along the almost 90km extent of the scarp the landscape quality and scenic quality of views are varied in relation to nearby land uses. The proximity of the M20 and M25 corridors, other large-scale infrastructure, and large towns such as Ashford, Maidstone and Folkestone do not harm the integrity of the natural beauty of the AONB, despite often having localised significant adverse effects. Views from the scarp are therefore not unspoilt, and development in the setting of the scarp is not uncommon.
- 3.41 Whilst the development would result in localised adverse effects to landscape character and specific views, it would not affect the special qualities of the AONB and would in turn not affect its overall natural beauty.
- 3.42 The AONB sustainable development principles include renewable energy and the AONB Position Statement sets out that renewable energy schemes are to be of an appropriate scale and location. The predicted landscape effects would be localised in relation to the AONB, and consolidated at the edge of the AONB, where there are existing infrastructure land uses, via pylons and the Stanford

substation. In this regard, it is considered logical in landscape and visual terms to consolidate these land uses.

3.43 Taking account that the adverse effects are reversible, the proposed development is considered to result in an acceptable level of landscape and visual effects and the mitigation would moderate the effects to the AONB.

3.44 The development represents sustainable development. Whilst there is a degree of tension with the NPPF, adopted and emerging development plan policies in respect of development in the AONB, it is considered the effect of this development is moderated, and that in this instance there are clear exceptional circumstances which justify what is a limited development with substantial public benefits. The development would also provide significant benefits as follows:

- Delivering to rapidly reduce greenhouse gas emissions and support the transition to net zero in the push to tackle the climate emergency;
- Supporting nature recovery through the creation of a mosaic of interconnected new habitat corridors comprising approximately 85,000m² of wildflower meadow, 20,000m² of woodland, 4,000m² of wet woodland, 1,200m² of willow and osier beds, 8,000m² of woodland edge / scrub habitat, and 250m of new hedgerow;
- Delivering climate mitigation through the carbon sequestration potential of the mosaic of above newly created habitats, whilst simultaneously taking the land (which is not best and most versatile) out of agricultural use, which will also have carbon benefits through protection of soils and reduction in use of agricultural fertilisers;
- Increasing the stock of natural capital to support ecosystem services in a localised part of the AONB;
- Providing a substantial biodiversity net gain of +86% in Habitat Units, and +48% in Hedgerow Units, which will be committed through a landscape management plan for a period of forty years, with the woodland, hedgerows and other planted areas retained in perpetuity;
- Supporting farm diversification for a landowner that wishes to contribute to tackling the climate and biodiversity emergencies;
- Supporting the local economy and improving local employment through the creation of jobs in maintaining the solar arrays and the newly created habitats; and increasing understanding of climate change and climate action and raising awareness for multiple environmental benefits delivered by solar farms in tackling the climate and biodiversity emergencies.

- 3.45 The site is not best and most versatile agricultural land, and there would be no significant adverse harm to heritage assets.
- 3.46 The limited harm to the local landscape is significantly outweighed by the immediate and pressing need from renewable energy generation in response to the Climate Emergency and Biodiversity Emergency. The development can be delivered immediately to begin reversing the harm of each.

Environmental Statement Volume 1 (Non-Technical Summary)

- 3.47 The Non-Technical Summary contains a brief description of the proposed development and a summary of the Environmental Statement (ES), expressed in non-technical language. Volume 1 also includes a summary of the overall likely significant environmental impacts of the Proposed Development.

Environmental Statement Volume 2 (Main Report)

- 3.48 The ES Main Report contains the detailed project description; an evaluation of the current environment in the area of the proposed development; the likely significant environmental impacts of the scheme; and details of the proposed mitigation measures which would alleviate, compensate for, or remove adverse impacts identified in the study.
- 3.49 The ES has been prepared in accordance with legislation that requires the environmental impacts of developments to be assessed during construction, operation, and decommissioning.
- 3.50 The ES references agreement with the Council for the scope of the EIA as a whole:

2.4.3 An EIA Scoping Letter (Appendix 2-3) was submitted to FHDC on 8th December 2022, which set out for each topic area the potential for significant environmental effects, and which topics were proposed for inclusion within the Environmental Statement (ES). The EIA Scoping Letter concluded that all environmental topics could be scoped out of the ES with the exception of landscape and visual effects, where given the location of the site within an AONB it could not be demonstrated with certainty that the proposed development would not result in significant effects.

2.4.4 An EIA Scoping Opinion (Appendix 2-4) was received from FHDC on 6th January 2023 which confirmed the scope of the proposed ES, with all matters apart from Landscape and Visual Impact agreed to be scoped out.

- 3.51 Paragraph 5.3.1 of the ES references consultation with FHDC and Kent Downs AONB with reference to the LVIA:

5.3.1 Consultation has been undertaken with FHDC and Officers from the Kent Downs AONB Unit on the LVIA assessment methodology, viewpoint and photomontage locations during the Scoping Opinion.

- 3.52 Chapter 2 of the ES offers a summary of the LVIA methodology. The full methodology is set out in Appendix 5-2 (March 2023).

- 3.53 The ES advises that the LVIA methodology follows recommendations and guidelines set out in recognised sources of guidance published by the Landscape Institute, including Landscape and Visual Impact Assessment, Third Edition (GLVIA3), Assessing Value outside of national designations (LI 2021) and Guidance Note 06/16 2019: Visual Representation of Development Proposals, which is consistent with recognised good practice.
- 3.54 The ES states that the landscape character of the site is assessed as not being fully representative of the special landscape components of the AONB as set out in the AONB Management Plan, as there is no dramatic landform, rich biodiversity or high sense of tranquillity and remoteness within the site. It states that where the site is representative of the arable land use and vegetation, these are common features, such that the site is not unique or rare in its features and contribution to the AONB.
- 3.55 The ES states that the pattern of landform across the study area is dominated by the scarp to the north of the site, which forms a physical divide between more elevated undulating landform across the northern part of the study area and the lower lying vale across the southern part of the study area. The site is part of this lower lying vale, with the vale consisting of a complex pattern of undulating landform formed by numerous watercourses. It states that the close proximity of the scarp slope to the site therefore physically encloses the site in relation to the northern and western parts of the study area, whilst the site is contiguous with landform extending across the base of the scarp slope between the B2068, Postling and the M20.
- 3.56 The ES sets out that the study area consists of a range of land uses via agriculture, settlements of varying scales, road networks and infrastructure stating that there is generally a greater concentration of development across the southern part of the study area via the M20 and larger scale settlements, in contrast to the smaller scale settlement pattern across the northern part of the study area. Further the ES states that the site is located in a part of the AONB which is already characterised by infrastructure land uses, via the Stanford sub-station to the south and the pylons, as well as changes to the agricultural land use via the airfield to the east. The site is therefore considered to be part of a more developed landscape, both within the AONB and its setting.
- 3.57 Views towards the site are considered to be substantially influenced by the landform across the study area, with Figures 5-4A-C demonstrating no theoretical visibility of the proposals from across most of Postling and Stanford, as well as a reduced visibility from along the scarp slope to the north of the site. The theoretical visibility of the proposed development is also considered to be very localised to the north and west of the site due to the scarp slope and is concentrated between the base of the scarp slope and the M20.
- 3.58 Referencing the drawings for determination and the Landscape Proposal Plan, a series of design principles have been established to avoid landscape or visual impacts and embed mitigation into the design of the development.

- 3.59 In terms of likely landscape and visual effects, during the construction phase, there would be activity across the fields within the site to implement the solar panels, new ponds and associated structures, along with the access route between the B2068. The construction phase would therefore result in significant adverse landscape effects at the site level, local landscape character level and to the AONB published landscape character assessment areas.
- 3.60 The construction activity would be visible for recreational receptors across the scarp slope to the north of the Site and elevated land to the east of the site. There would also be varying visibility of the construction phase from across the vale to the east and south of the site, such that significant adverse visual effects are predicted during the construction phase to many of the identified visual receptors.
- 3.61 At year 1 of operation, the development would result in a change in land use in comparison to the agricultural fields and a greater infrastructure character in comparison to the overhead pylon and its associated wires within the site. The colour tone of the solar panels would be a change from the tonal colours of the fields, reducing the aesthetic, scenic quality and perception of the site. Therefore, there would be significant adverse landscape effects at the site level and at the local scale in relation to the vale landscape which the site is a part of and in relation to the scarp slope, due to the perception of the proposed development.
- 3.62 Similarly, the development would be visible for recreational receptors along parts of the scarp slope and elevated land to the east of the site. The visibility of the solar panels would be varied from recreational routes across the vale to the east and south of the site, decreasing with distance from the site. Therefore, significant adverse visual effects are predicted during at year 1 of operation to a localised and low number of visual receptors.
- 3.63 By year 10, the establishment of the proposed planting, even in winter, would increase the enclosure to the site and reduce the perception of the development. With the exception of the retained change in land use at the site level, no significant adverse landscape effects are predicted to the landscape character areas at year 10 of operation winter.
- 3.64 Visually, the number of significant adverse visual effects would also reduce in comparison to those at year 1, to receptors either to the immediate north of the site on the scarp slope or crossing the southern part of the site in winter.
- 3.65 In relation to the Kent Downs AONB, the geographic extent of the development would be very small, although the perception of the change would be from beyond the site boundary, mainly due to the elevated scarp slope to the north and north-east of the site.
- 3.66 In relation to the stated special landscape components, characteristics, and qualities of the Kent Downs AONB, the proposed development would not alter

the dramatic landform of the scarp slope. The relative low height of the solar panels and associated structures, along with the low lying position of the site, would also enable long distance and panoramic views to remain across the wider landscape from the scarp slope.

- 3.67 The proposed development would respond positively to the special qualities of the AONB through providing an improved vegetation cover across the site and increasing the opportunities for biodiversity, as well as woodland and tree coverage, which are key characteristics of the AONB.
- 3.68 The proposed development would result in a change in land use and a reduction in tranquillity due to the panels. But this change in tranquillity would be to a part of the AONB where the tranquillity is already reduced due to the varied land uses across the vale, at the base of the scarp slope, which include pylons, an airfield and settlement.
- 3.69 The landscape and visual change would therefore be to a part of the AONB which is not fully representative of the special landscape components of the AONB. There would be no change to the character of the night sky and dark skies associated with the perceptual elements of the AONB.
- 3.70 In conclusion the ES states the following:
- a) The proposed development would result in a low number of localised significant landscape and visual effects once the proposed planting has established. These tiers of effects are common for solar farm developments, where there is an obvious change in land use and the introduction of new structures and massing within fields.
 - b) The pertinent matter is that there would be no loss of key landscape features and the proposed development would respond positively to the stated guidelines by improving the opportunities for biodiversity and screening the solar arrays.
 - c) The AONB sustainable development principles include renewable energy and the AONB Position Statement sets out that renewable energy schemes are to be of an appropriate scale and location. The predicted landscape effects would be localised in relation to the AONB, and consolidated at the edge of the AONB, where there are existing infrastructure land uses, via pylons and the Stanford sub-station. In this regard, it is considered logical in landscape and visual terms to consolidate the proposed development with these land uses.
 - d) Taking account that the predicted landscape and visual impacts are reversible, the proposed development is considered to result in acceptable levels of landscape and visual effects and the mitigation would moderate the effects to the AONB in respect of NPPF, such that the proposed development would not harm the natural beauty of the AONB.

Environmental Statement Volume 3 (Figures)

- 3.71 This volume of the ES contains the Figures that support it and are referenced within the Main Report.

Environmental Statement Volume 4 (Technical Appendices)

- 3.72 Volume 4 of the ES includes the details of the methodology and information used in the assessment, detailed technical schedules and, where appropriate, raw data.

Site Selection and Environmental Strategy

- 3.73 This document presents the approach taken to site selection that has resulted in the locating of the proposed development within the Kent Downs AONB. The document also sets out the design strategy for the site, along with supporting sections and photomontages to illustrate the scale of the development within the landscape.
- 3.74 The site was selected due to a number of different factors including the availability of a grid connection. In addition, access, location next to the existing substation and visual considerations also formed part of the selection process.
- 3.75 The applicant considered a number of alternative sites located outside of the AONB (albeit located within its setting). The search area extended approximately 2km from Stanford substation, with a requirement for either previously developed or greenfield land with a minimum area of approximately 25 hectares, and with land or field boundaries that were of a suitable scale to accommodate solar development. These alternative sites were excluded due to technical considerations or as a result of identified visual impacts.

Transport Statement

- 3.76 The Transport Statement (TS) seeks to inform the Local Planning Authority and the Local Highway Authority, of the anticipated highways and transportation matters associated with the proposed development.
- 3.77 The TS sets out that construction and maintenance traffic will access the site from B2068 Stone Street via the M20 Junction 11, utilising the existing access point.
- 3.78 The local highway network is considered to be modestly trafficked and it is anticipated that most trips would be of a limited and temporary nature.
- 3.79 The report states that the site access arrangements are considered to be appropriate for the scale and nature of the development.
- 3.80 The TS assessed the traffic generation of the construction phase only, which will take place over a 32-week period. Once operational, trips to the site would be limited to the occasional LGV accessing the site for maintenance purposes, on average once a month and is considered to be de minimis in nature.

- 3.81 The trip generation of the construction period has been forecast using a 'first principles' approach based on experience of promoting other solar farms nationally.
- 3.82 The report states that in total, there would be a maximum of approximately 74 two-way movements per day during peak activities for 4 weeks of construction (W5-W8). This is inclusive of delivery-related movements and staff trips.
- 3.83 It is anticipated that for the remainder of the construction period, W9-W32 (24 weeks), there would be a maximum of approximately 42 two-way movements per day on average, inclusive of delivery-related movements and staff trips.
- 3.84 The TS concludes that the level of trip generation is not considered to be significant and would only take place over a limited and temporary time period.
- 3.85 Overall, the TS states that there should be no highway or transport reasons to withhold planning permission for the proposed development.

Transport Statement Addendum

- 3.86 This addendum has been prepared in response to the initial consultation comments of Kent Highways and Transportation. The additional information relates to crash data and the access that is proposed to be widened in line with KHS advice to allow the safe movement of vehicles.

Heritage Impact Assessment

- 3.87 There is considered to be a low potential for Palaeolithic, Mesolithic, Neolithic, Bronze Age or Iron Age remains to be encountered within the site, given the relative paucity of evidence for heritage assets dating to the prehistoric periods within the study area. There is also limited evidence for Roman activity across the majority of the study area and the potential for Roman remains across the majority of the study area is considered Low.
- 3.88 However, within a limited 20m wide linear area that borders Stone Street on the along the western boundary of the site, the potential for finds or features dating to the Roman period is considered to be Medium. There is considered to be a Low potential for early medieval, medieval, post-medieval, modern and undated remains to be encountered within the site. Any remains of this date that survive within the site would most likely be agricultural in nature.
- 3.89 Although the archaeological potential of the site appears to be Low based on known evidence, the possibility of encountering archaeological remains cannot be discounted and as such it is advised that Folkestone and Hythe District Council, as advised by the Heritage Conservation Service at Kent County Council, may require further archaeological investigation by intrusive means to determine the nature and extent of any surviving archaeological remains within

the site prior to development. Most Roman roads were 4-5m in width and thus 20m either side of the road is considered to encompass the likely influence of the road on the immediate landscape as well as likely incorporating the zone in which any artefacts associated with the construction and use of the road by travellers may have been dropped or deposited. As Stone Street which follows the line of the Roman Stone Street is on the western boundary of the site it is recommended that a watching brief should be undertaken on any intrusive works within a limited 20m wide linear area that borders Stone Street along the western boundary of the site. Any such archaeological mitigation could be undertaken as a condition of planning consent would be determined by the Heritage Conservation Service at Kent County Council. The NPPF states that a local planning authority should require developers to 'record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact' (MCHCLG 2021a, Para 205). As such, it is advised that any mitigation measures should take into account the relatively minimal impact of the proposed development.

- 3.90 Site visits undertaken for this assessment found that the site has very limited intervisibility with designated heritage assets within the surrounding 2km study area. Where Low-level effects have been assessed upon the setting of the assets on Tolsford Hill the level of harm is considered to be 'less than substantial' in NPPF terms. This 'less than substantial harm' will require to be weighed against the public benefits of the proposed development in line with Paragraph 202 of the NPPF.

Glint and Glare Assessment

- 3.91 The Glint and Glare Assessment looks at the potential impact on a number of different receptors which in this case are aviation, roads and dwellings.

Pent Farm Airstrip

- 3.92 No solar reflections are predicted towards the 2-mile approach path for runway 05. No impact is predicted, and no mitigation is required.
- 3.93 The analysis has shown that solar reflections are predicted towards the 2-mile approach path for runway 23, between the threshold and 0.3-miles; with glare intensities of 'potential for temporary after-image' predicted. There are mitigating factors that reduce the overall impact. In particular, effects are predicted to occur for a short duration of time throughout the year (2025 minutes which is 0.771% of daylight hours), maximum duration would be for less than 20 minutes on the days when the glare is possible, reflections are predicted to coincide with direct sunlight.
- 3.94 Overall, it is judged that the potential effects towards the runway 23 approach at Pent Farm Airstrip can be operationally accommodated. It is expected that operational measures used by pilots to mitigate the effects of direct sunlight will

adequately mitigate the effects of solar glare from the panels when on approach for runway 23 at Pent Farm Airstrip.

- 3.95 It is recommended that the potential glare times are made available to the owner of the airfield.

Harringe Airfield

- 3.96 Harringe Airfield is situated approximately 4.1km south-west of the proposed solar development.

No solar reflections are predicted towards the 2-mile approach path for runway 01. No impact is predicted, and no mitigation is required.

- 3.97 The analysis has shown that solar reflections are predicted towards a 1.5-mile section of the 2-mile approach path for runway 19. Solar reflections originate outside a pilot's primary field-of-view (50 degrees either side of the approach). This is deemed acceptable in line with the guidance and industry standards; a low impact is predicted, and no mitigation is necessary.

- 3.98 Bonnington Airstrip

- 3.99 Bonnington Airstrip is situated approximately 8.5km south-west of the proposed solar development.

- 3.100 Any solar reflections towards Bonnington Airstrip are predicted to be acceptable in accordance with the associated guidance. Factors determining this are either due to solar reflections occurring outside a pilot's field-of-view (50 degrees either side of the approach bearing) or predicted low glare intensities. Therefore, no significant impacts are predicted upon aviation activity at Bonnington Airstrip and detailed modelling is not recommended.

Roads

- 3.101 Solar reflections are geometrically possible towards a 0.8km section of Blindhouse Lane and a 0.9km section of Stone Street (B2068). Screening in the form of existing vegetation, proposed vegetation and intervening terrain is predicted to significantly obstruct views of reflecting panels. No impact is predicted, and no mitigation is required.

Dwellings

- 3.102 Solar reflections are geometrically possible towards nine of the 75 assessed dwellings. Screening in the form of existing vegetation and/or intervening terrain is predicted to significantly obstruct views of reflecting panels for these dwellings. No impact is predicted, and no mitigation is required.

3.103 No significant impacts are predicted upon road safety, residential amenity, and aviation activity.

Ecological Assessment Report

3.104 An extended habitat survey was carried out in December 2022. A Breeding bird survey was carried out in June 2022.

3.105 Measurable biodiversity impacts associated with the proposed development have been calculated using the Defra Biodiversity Metric 3.1 Calculator.

3.106 A number of priority habitats were identified within the site such as hedgerows, deciduous woodland, chalk rivers and lowland farmland. An ancient woodland is located within 500m of the site.

3.107 The site consists of four arable fields bounded by species poor native species hedgerows and drainage ditches. Hedgerow species included field maple, hawthorn, sloe, and bramble. Scattered trees are also present on-site, comprising poplar, willow and maple. In the northern part of the site lies an area of broadleaved woodland, meeting the description of lowland mixed deciduous woodland. Two recently constructed ponds are located within the south of the site, with an additional pond located along the western boundary.

3.108 Habitats within the site including hedgerows and scattered trees provide suitable habitat for nest creation for typical farmland species. In addition, arable habitats provide suitable habitat for ground nesting species including skylark.

3.109 Notable Species recorded breeding within the site included three Red List species (linnet, skylark and yellowhammer) and five Amber List species (reed bunting, song thrush, woodpigeon, whitethroat and wren).

3.110 Five Notable Species recorded breeding within the Site are listed as rare and most threatened species under Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act (2006) (linnet, reed bunting, skylark, song thrush and yellowhammer).

3.111 Breeding territories of Notable Species were typically low in numbers and associated with vegetation along field boundaries and woodland habitats within and adjacent to the site. Skylark were the only ground nesting species recorded breeding within the site with three territories.

3.112 Data included records of nine bat species, including 181 non-roosting records and 118 roost records. No roosts were located within or immediately adjacent to the site. Species recorded included common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle, brown long eared bat, Noctule, Natterers' bat, whiskered bat, Daubenton's bat and serotine bat. A review of MAGIC identified one roost record, permitting the destruction of a common pipistrelle and brown long eared resting place. No buildings or trees were identified within the site that offer suitable habitat for roosting bats. Areas of woodland edge, hedgerows and

- ditches within the site offer suitable foraging and commuting habitat for bats, however these areas are relatively fragmented at a landscape scale.
- 3.113 No evidence of badger was observed during the field surveys; however, they are considered likely to be present within the wider area. The site provides suitable habitat for foraging and commuting badgers, with suitable sett creation habitat present within the woodland along the northern site boundary and along hedgerow bases.
- 3.114 Habitats within the site are largely suboptimal for this species. The block of woodland to the north of the site may provide suitable habitat, however, is not well connected to other larger blocks of woodland in the wider landscape, and therefore considered unlikely to support hazel dormouse.
- 3.115 Drainage ditches within the site were considered to be sub-optimal for water vole, being steep sided with extensive bank side growth/and or choked with emergent vegetation. Some of the ditches are also ephemeral., further reducing their suitability for water vole.
- 3.116 Ditches within the site were similarly considered unsuitable for otter, with ditches lacking an obvious connection to larger, more suitable watercourses. While the East Stour River is located to the southeast of the site, this is located close to the source and considered sub-optimal for otter at this point.
- 3.117 A review of GCN survey licence returns identified three records of GCN presence within 2km of the site, the nearest of which is located 1.22km south west of the site.
- 3.118 Three ponds are present within the site, with one further pond identified within 25m of the site. It is understood that the two recently created ponds within the southern section of the site were created as part of the GCN DLL programme. These ponds, as well as the pond present along the western boundary and ditches bounding fields provide suitable habitat for great crested newt, however arable habitats provide suboptimal terrestrial habitat for these species. Other species of common amphibian are also likely to be present within the waterbodies.
- 3.119 Data returned one record of slow worm, four records of adder, 17 records of grass snake and 149 records of common lizard. The majority of records were from Farthing Common Reservoir. Field margin habitats provide suitable habitat for common species of reptile, in particular slow worm, grass snake and common lizard. Grass snake may also utilise ditches and ponds within the site.
- 3.120 Arable habitats provide suboptimal habitat for reptiles.
- 3.121 KMBRC returned records of hedgehog and brown hare. In addition, records of several invertebrates were returned, including white letter hairstreak, small heath, and Adonis blue butterfly. No evidence was gathered during the extended habitat survey to suggest the likely presence of other notable

mammal species; however, it is considered that habitats located within the site may potentially support European hedgehog.

- 3.122 Records show no records of invasive non-native species.
- 3.123 No invasive non-native plant species were observed present within the site. Grey squirrel were noted within the woodland to the north of site within the woodland to the north of site.
- 3.124 It is considered highly unlikely that any direct impacts will occur to any statutory designated sites or the habitats and species they support as a result of the proposed solar development. Indirect effects will be similarly avoided through the physical separation distance, implementation of standard good practice drainage management and pollution prevention and runoff control measures during the construction and operation of the proposed development.
- 3.125 Due to the physical separation distance between the site and any non-statutory designated sites, no direct impacts are anticipated to no statutory designated sites. Indirect effects during construction of the proposed development would be avoided through the implementation of standard good practice pollution prevention and runoff control measures.
- 3.126 The layout of the proposed development has been designed to avoid the most valuable habitats, including lowland mixed deciduous woodland, ponds, ditches, and hedgerows. Habitats to be affected by the proposed development therefore comprise entirely arable habitat of low ecological value, and widely present at both a local and national level.
- 3.127 Site access has been designed to utilise existing access points, minimising the impacts to boundary habitats, and maintaining connectivity across the site.
- 3.128 The construction of solar farms generally requires very low levels of direct and permanent land take (typically less than 5% footprint on the ground) for the infrastructure, with effects in constructing relating primarily to the temporary compaction and disturbance resulting from plant and machinery which would be temporary for the construction period with minimal disturbance during operation.
- 3.129 Following construction of the proposed development, the site will be subject to significant ecological enhancements, including the following measures:
- Species Rich Grassland Planting (southern field and all margins);
 - Conservation grazing (northern fields);
 - Woodland and wet woodland planting;
 - Infilling of gappy hedgerows;
 - Pond creation; and
 - Marginal reed planting

- 3.130 Details of ecological enhancements, including habitat creation, management, and monitoring, are provided within the Biodiversity Management Plan for the proposed development.
- 3.131 Woodland and wet woodland creation will significantly expand the woodland block present to the north of the site, with hedgerow and ditch enhancements offering increased connectivity for a wide range of species both within the site and at a landscape scale.
- 3.132 Overall, taking into account the avoidance of the most valuable habitats and significant enhancement measures proposed, the scheme will result in a net gain for biodiversity.
- 3.133 In terms of Biodiversity Net Gain, based on the baseline information gathered during the extended habitat survey and information provided within the Landscape Proposals Plan, the calculation results show that the proposed development will result in a biodiversity net gain of +85.56% in Habitat Units, and +48.25% in Hedgerow Units. The provision of bird and bat boxes also provide biodiversity benefit which is not included in the calculation.
- 3.134 The retention of existing boundary features, alongside significant habitat creation and enhancements to woodland and boundaries, including planting of fruit bearing species, will provide increased foraging and nesting habitat for a range of bird species. It is acknowledged that skylark, a ground nesting species favouring open spaces, were present during the breeding bird surveys.
- 3.135 While skylarks rarely utilise solar sites for nesting, the species will forage within solar farms and incorporate them into their territorial boundaries, in addition, solar sites may represent a valuable foraging resource for skylark.
- 3.136 While there may be a loss in the overall availability of nesting space due to enclosure by panels, suitable nesting habitat is abundant in the local area, including within the landowners' wider holdings. Considering the enhanced foraging opportunities provided by the proposed development, it is considered that the local skylark population will not be adversely affected.
- 3.137 Boundary features will be largely retained and enhanced throughout construction and operation of the proposed development. In addition, substantial habitat enhancements are proposed, including the creation of new woodland areas, ponds, infilling of hedgerow and creation of structurally diverse grassland habitats, all of which will provide enhanced foraging and commuting habitats for bats.
- 3.138 Newly created and enhanced habitats, including woodland and field margin habitats, will provide increased foraging habitat for badger. Perimeter fencing will be permeable to badger, ensuring the species is not excluded from the site, maintain available foraging habitat.

- 3.139 Proposed habitat creation works will include the expansion of the woodland block to the north of the site, as well as the infilling of hedgerows. This proposed habitat creation is considered to increase the suitability of the site for hazel dormouse.
- 3.140 With the implementation of minimum 8m buffer zones from bank tops, no impacts to water vole, if present, are anticipated as a result of the proposed development.
- 3.141 Habitat creation and enhancement will provide increased and enhanced terrestrial and aquatic habitats for GCN and other amphibian species. Similarly to amphibians, arable habitats offer sub-optimal habitat for reptiles, however the field margin and boundary habitats may support common species of reptile.
- 3.142 A BMP has been produced describing habitat creation and enhancement measures, alongside associated management, and monitoring requirements.

Flood Risk Assessment and Drainage Strategy

- 3.143 An assessment of flood risk from all identified potential sources of flooding has been undertaken using best available information to determine a) whether a Sequential Test needs to be applied; and b) whether any specific measures would be required to mitigate flood risk.
- 3.144 The assessment concludes that the site is at a Low, Negligible or No risk of flooding from all identified sources. On the basis of the assessment, it is concluded that the proposals satisfy the requirements of the Sequential Test, and that no sequential assessment of potential alternative sites is required.
- 3.145 The exception test need not be applied for “Essential Infrastructure’ within flood zone 1. Notwithstanding this, the assessment demonstrates that the proposed development may be completed in accordance with the requirements of planning policy subject to the following:
- Existing drainage ditches to be retained, with no development proposed within 5 m of these and the East Stour River.
 - Flood pathways associated with surface water runoff and runoff associated with existing drainage ditches not to be obstructed by inverter and transformer stations, and control, switchgear and storage buildings.
 - Ground under the PV solar panel drip line to be seeded with a suitable grass mix to prevent rilling and an increase in surface water runoff rates.
 - Any new access crossings on existing drainage ditches to be designed to maintain conveyance.
 - The proposed maintenance track to be constructed from a Type 3 permeable pavement aggregate and infiltration trenches to be implemented to promote water quality treatment.
 - Surface water runoff from the access tracks and other areas of hardstanding to be restricted to flow rates to suit local policy, with storage provided within attenuation basins.

3.146 It is concluded that these measures will enable surface water runoff from the developed site to be sustainably managed in accordance with planning policy.

Agricultural Land Classification Survey

3.147 The ALC survey confirms that the whole site falls within Grade 3b agricultural land (moderate quality agricultural land capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops). The wetness of the soil is considered to be the most significant limiting factor (Wetness Class III with clay topsoil's).

Noise and Vibration Assessment

3.148 The assessment concludes that the site can be designed to operate such that it complies with all appropriate and relevant noise standards and guidance.

Statement of Community Consultation

3.149 This document sets out the applicant's pre-application public consultation programme to allow members of the community to share their feedback before an application was submitted.

3.150 The consultation resulted in 57 responses from residents, with a majority expressing support for the proposals and a need to switch to renewable energy.

3.151 The report reflects the views expressed by residents, stakeholders and elected members during the public consultation and addresses the feedback received regarding the development.

4. Relevant Planning History

4.1 The relevant planning history for the site is as follows:

22/1258/SCR	EIA Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in respect to a proposal for a solar array, battery storage and associated infrastructure.	Environmental Impact Assessment is required for the proposed development
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22/2118/SCO	Consultation request in respect of EIA Scoping Scoping Opinion under regulation 15 of the Town and Country Planning (environmental impact assessment) Regulations 2017	Opinion Adopted
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5. Consultation

Ward Member: One of the Ward Members, Councillor Hollingsbee is a member of the Planning Committee. Neither of the Ward Members have commented on the application.

5.1 The key consultation responses are summarised below.

Consultees

Postling Parish Council: Object. Commenting as follows:

The application site lies wholly within the Kent Downs AONB, and the nature of the development would have a significant adverse impact on the landscape and scenic beauty of the AONB. AONBs are nationally protected landscapes afforded the same level of protection as National Parks, therefore this is not an appropriate location for a solar farm.

Policy CSD4 of the Core Strategy requires planning decisions to have close regard to the need for conservation and enhancement of natural beauty in the AONB, which will be given the highest status of protection in relation to these issues. This is also reflected in policy NE3 of the Places and Policies Local Plan which requires the natural beauty and locally distinctive features of the AONB and its setting to be conserved and enhanced.

Policy CC6 of the Places and Policies Local Plan states that solar farms will only be acceptable where ‘...the proposal does not have an adverse impact on the landscape character or have any adverse visual impact on the scenic beauty of the Kent Downs Area of Outstanding Natural Beauty, other sensitive local landscapes or heritage assets.

The council supports renewable energy in appropriate locations and concurs with the Green Party’s statement in their Renewable Energy Policy that ‘...renewable energy is crucial in the fight against climate change, but it has to be in the right place, not in a fragile, protected, rural environment’. Alternative locations on non-agricultural land outside of the AONB are supported.

Councillors support the statement in the Green Party’s Renewable Energy Policy of ‘...making full use of domestic, commercial and industrial roof space and limited deployment of solar farms’ and therefore consider the development at Otterpool to be a suitable alternative location for solar energy generation.

This application fails to meet the primary purpose of AONB designation, i.e. the conservation and enhancement of the natural beauty of the area. The proposal would introduce a large, industrial feature into a currently unspoilt landscape that would fail to conserve or enhance the Kent Downs AONB. It would also be in conflict with policy CC6 of the Local Plan which requires proposals to ‘...not have an adverse impact on the landscape character or have any adverse visual

impact on the scenic beauty of the Kent Downs Area of Outstanding Natural Beauty’.

This application comprises major development on a site within the Kent Downs AONB which is a nationally protected landscape. It is the parish council’s view that the requirements of local planning policy and NPPF para 177 that major development should not be permitted within AONBs except in exceptional circumstances and where public interest can be demonstrated, have not been met.

This application does not demonstrate that development could be provided on less sensitive sites, including outside the AONB. The parish council considers the development does not represent exceptional circumstances nor be in the public interest, given the harm it would inflict on a protected landscape.

The planting, after some time to allow for growth, would provide some screening, but due to the scale of the development would not disguise the impacts on the local landscape.

It is likely that solar panels will be manufactured in China using poorly paid labour then shipped to the UK. The processes to mine minerals and to source the materials needed for associated infrastructure such as cabling, batteries, fencing, etc., all add to solar’s carbon footprint.

The life cycle of a solar panel farm is relatively short. Recent news reports have suggested that there are serious concerns about the disposal of the panels etc., and it is understood that currently only 1% of panels are recycled.

If the proposal was to be approved, conditions should be attached to ensure the site is restored to agricultural use at the end of its term of consent, and all panels and associated infrastructure be removed from the site and recycled/reused as much as possible.

Any future proposals for the site should be based on its current agricultural nature rather than as a brownfield site following solar arrays.

Stanford Parish Council: Comments as follows:

If the application is granted, a condition should be placed that when the solar array is dismantled, the site must return to a greenfield and not deemed to be brownfield possibly allowing for other developments.

KCC Highways and Transportation: No Objection, subject to conditions, following a review of additional information relating to crash data and vehicle tracking.

KCC Ecology: Comments as follows:

With the exception of ground nesting birds, the majority of the habitats within the site which support the species present or likely to be present within the site will be retained and enhanced. As such we are satisfied that the majority of the species interest of the site will be retained if planning permission is granted.

At least 3 territories of skylarks have been recorded within the site and we advise that the proposal will result in the loss of these territories as skylarks will not nest in solar farms. They prefer to nest within areas where they have an unobstructed view of the surrounding area to watch for predators. Skylarks were also recorded outside the redline boundary confirming that suitable habitat for nesting skylarks were not restricted to the development footprint. However, the proposed enhancements are likely to improve foraging opportunities for skylarks and therefore it will increase the foraging resource for skylarks (and other ground nesting birds) within the wider area.

To mitigate the impact of the proposed development the submitted information has detailed that pre commencement surveys for badgers and breeding birds will be carried out and a precautionary mitigation approach will be implemented to clear any vegetation. As the site is currently an actively managed arable field we agree, with the exception of GCN, that this approach is acceptable.

Ponds suitable for GCN are present on site and GCN are known to cross arable fields. Therefore, we recommend that the site is carried out under a GCN DLL Licence. We recommend that a signed Impact Assessment and Conservation Payment Certificate is submitted prior to determination of the planning application.

The report has detailed that the following habitat creation/enhancement will be carried out:

- Species Rich Grassland Planting (southern field and all margins);
- Conservation grazing (northern fields);
- Woodland and wet woodland planting;
- Infilling of gappy hedgerows
- Pond creation; and
- Marginal reed planting

We are supportive of these measures and if they are established and managed appropriately, we do agree that a Biodiversity Net Gain is achievable. However, the management details that part of the site will be managed under low density grazing and the edge habitats will be managed by cutting it a maximum of twice a year. We advise that information must be submitted confirming that the proposed management can and will be implemented. If the grassland can't be managed as intended, we advise that the anticipated BNG of 85% for habitats is not achievable.

[CPO Comment: If Members resolved to grant planning permission, the GCN DLL licence and confirmation of BNG could be required to be submitted prior to any decision being issued.]

KCC Archaeology: No objection, subject to conditions, stating the following:

The site lies within an area of multi-period archaeological potential and immediately adjacent to the line of Stone Street, the Roman road linking the port at Lympne with Canterbury.

The application has been submitted with an Archaeological Desk-Based Assessment (DBA) which sets out the present understanding of the heritage of the site and its surroundings. Unfortunately, no geophysical survey or field evaluation trial trenching for the site has been undertaken yet, due to access issues related to established crops.

Aerial photographs on our KCC GIS system indicate the presence of some potential soil/crop marks in the cultivated fields, most notably in the north-west and very south-east of the project area. These could be a result of changes in geology but could represent below-ground archaeological features such as ditches. The DBA notes the use of a range of APs, but no features are recognised. It will be necessary to test these possible features, within the wider context of field survey of the whole project area, using geophysics and/or trial trenching, to help inform options for mitigation, including design and layout.

However, given the issue of access during the cropping period and taking account of the likely nature of any below ground remains which will have been subject to cultivation impacts, and also taking account of the nature of impacts associated with this type of scheme, where there will be flexibility for preservation *in situ* of below-ground archaeological remains, it would be reasonable to secure the necessary field evaluation surveys by condition.

KCC Public Rights of Way: Objects stating that these objections may be overcome. Following the receipt of additional information from the applicant the KCC PROW Officer makes the following comments:

It is requested that PROW routes are shown within all application documents for reasons of context and clarity. HE228 was omitted. This would also demonstrate the applicants due regard for the importance of the Network in the area.

Further detail was requested to be given regarding the PROW route, i.e any proposal for improved surface, the exact width given. We do consider that a 2m high fence close to the PROW route with hedging on the other side will likely create an “alleyway” effect if insufficient width is given to the PROW. Views through the fencing due to the nature of it will be views of the solar farm

infrastructure and still impact significantly on the use. We note the intention to replace stiles with gates and again, the detail of the gates must be approved by ourselves as the Highway Authority. Equally, installation of information panels will require PROW and Access approval.

There is concern regarding the significant impact on PROW use from this proposed development. The “physical alignment” will remain as existing, however the impact on user amenity will be severe, the expected ten years before planting maturity does not give sufficient mitigation.

Concerns that the development would have on Landscape and Visual amenity on the wider network use, including the North Downs Way National Trail.

PROW and Access would disagree that there would be a “low number of localized significant Landscape and Visual effects once planting is established”. Planting will take a number of years to reach maturity.

The construction phase will severely impact the PROW use, by the nature of such work there is severe impact on the route as the nature of and experience of use changes completely, and to some extent reduces use.

This project provides an opportunity to improve the PROW network and develop new links for connectivity across the network. Improvements to the quality of existing routes should be considered as positive outcomes of the scheme. The public benefits of such work would help to compensate for any disruption caused by the construction of the solar park and negative effects on the PROW network, which result from the delivery of the solar park and are unavoidable. KCC PROW and Access would welcome discussion with the applicant regarding an appropriate mechanism to secure funding to futureproof the network. We estimate that a request of £60,000 would be made to cover new and improved bridge connectivity to HE228, clearance and surface improvements to HE228, replacement of stiles with gates appropriate for all users at the junction of HE219 with Stone Street.

[CPO Comment: Should Members resolve to grant planning permission it is recommended that a financial contribution of £60,000 is secured by s106 to secure the aforementioned PROW improvements].

KCC Flood and Water Management: No objections subject to conditions. Comments as follows:

1. We understand that well managed grassland is proposed beneath the solar panels and around string inverters to limit any increase in runoff rates due to the development. We have no objection to the use of this method for dealing with runoff from the solar panels.
2. The proposal will also increase peak discharge rates to 8 l/s, significantly higher than greenfield, from other impermeable areas across the site. Whilst

we would not object, as this meets the requirements of individual flow controls being a minimum of 2 l/s, we would expect infiltration testing to be undertaken and used where possible to ensure discharge rates can be kept as low as possible. We would also expect to see consideration given to reducing the number of discharge points into the ditches so as to accommodate a reduction in final rates from the site.

3. Soakage tests must be compliant with BRE 365, notably the requirement to fill the test pit three times, and tests should be completed at the location and depth of proposed features. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time.

KCC Minerals and Waste: Confirms there are no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this proposed development.

Natural England: Objects stating the following:

The development would have a major adverse impact on the purposes of designation of the Kent Downs Area of Outstanding Natural Beauty (AONB).

The application site falls wholly within the boundary of the Kent Downs AONB. AONBs are nationally important landscapes designated to conserve and enhance their natural beauty. National planning policy affords the highest status of protection in relation to the conservation and enhancement of 'landscape and scenic beauty' and, advises that development in AONBs should be limited in scale and extent. Major development should be refused unless exceptional circumstances can be demonstrated.

As this site is considered by your authority to represent major development in an AONB, it should be assessed against the criteria set out in National Planning Policy Framework (NPPF, 2023) paragraph 177. Natural England is concerned that the scale and location of the proposal would result in major adverse impacts on the special qualities of the Kent Downs AONB. We consider that the harm of this proposal to the AONB cannot be sufficiently moderated through mitigation measures. Given these considerations it is currently unclear how the requirements of paragraph 177 have been met with regards to this proposal.

The proposal appears to be contrary to your own adopted Local Plan. The Places and Policies Local Plan (2020) sets out detailed development management policies to assess planning applications and Policy CC6 'Solar Farms' clearly states, 'The development of new solar farms, or the extension

of existing solar farms, will only be acceptable where...the proposal does not have an adverse impact on the landscape character or have any adverse visual impact on the scenic beauty of the Kent Downs Area of Outstanding Natural Beauty.'

Our in-principle objection notwithstanding we also consider that there are shortcomings in the Landscape and Visual Impact Assessment (LVIA) which lead to it downplaying impacts on the AONB.

Kent Downs National Landscapes: Object. Comments are summarised below:

Following the Levelling-Up and Regeneration Act 2023, which came into force on 26/December 2023 there is a much stronger duty on relevant authorities, which includes local authorities, to ensure that their actions and decisions seek to conserve and enhance AONBs, marking a significant change to the legal context of AONB policy.

This places a legal requirement on Folkestone and Hythe District Council to seek to further the purposes of the conservation and enhancement of the Kent Downs National Landscape in undertaking any action, including planning decisions.

It is recognised that the Kent Downs National Landscape must play its part in reducing emissions. As such, the NL Unit is taking a pragmatic approach to trying to accommodate proposals for renewable energy, particularly within its setting. However, it is imperative that any proposals in the NL and its setting are consistent with the primary purpose of NL designation, i.e. the conservation and enhancement of the natural beauty of the area. We consider that the proposal at Pent Farm would fail to meet this key test as it is not considered that the landscape and visual impacts of the scheme are, or could be made, acceptable.

The proposal would introduce a large scale, discordant and industrialising feature into a currently unspoilt landscape of high value that would fail to conserve or enhance the landscape and scenic beauty of the Kent Downs NL.

As such the proposal is contrary to Policies ENV3 and CC6 of the Local Plan, policy CSD4 of the Core Strategy and paragraph 176 of the NPPF which require the conservation and enhancement of the AONB and for development to be limited in scale and proposals for solar arrays to not 'have any adverse visual impact on the scenic beauty of the Kent Downs Area of Outstanding

Natural Beauty'. While we acknowledge that some aims and principles of the AONB Management Plan are met in the scheme and in particular enhanced landscaping proposed in the Environmental Masterplan and those that seek to respond to the implications of climate change and deliver biodiversity net gain, natural capital enhancements and nature recovery benefits, the proposal would fail to meet the overall aim of the Management Plan, to conserve and enhance the natural beauty of the Kent Downs and would be in conflict with Principles SD1, SD2, SD3, SD5, SD7, SD8, SD11, LLC1 and AEU 14. In addition, the landscape management recommendation set out in the Kent Downs Landscape Character Assessment to protect the open and rural character of the northern part of the LCA and sensitive views from the scarp would not be met.

Furthermore, the application comprises major development on a site within the Kent Downs NL, a nationally protected landscape. Both the NPPF paragraph 177 and local planning policy are clear that that major development should not be permitted within AONBs except in exceptional circumstances and where public interest can be demonstrated; it is the view of the Kent Downs AONB Unit that these stringent requirements have not been met. When considering whether the development is in the public interest it is important to note that AONBs are landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them. As such, for the development to be considered to be in the public interest, the potential benefits must outweigh the national significance of conserving and enhancing the natural beauty of the NL.

It has not been adequately demonstrated that the development could not be provided on less sensitive sites, including those outside of the NL. The development does not in our view represent exceptional circumstances, nor would it be in the public interest, given the harm that would arise to a nationally protected landscape. The applicant has sought to moderate the impact on the landscape through a carefully designed Environmental Plan with the incorporation of significant landscaping that would provide enhancement to the local landscape structure. However, if landscape harm is able to be off-set by wider landscape improvements in this way, any new harmful development could be rendered acceptable simply by enlarging the application site and making landscape enhancements on the balance of that site; enhancements cannot be factored into the actual assessment of the level of landscape harm that arises. The scale of the solar array and its highly sensitive rural location would result in significant residual landscape and visual impacts from the development, the impacts of which are not capable of being mitigated and which we consider have been underassessed in the LVIA.

The NPPF provides strong guidance on when major development may be appropriate in NL. It clearly states that permission should be refused for major development other than in exceptional circumstances. This indicates that the very large majority of major developments would be inappropriate within AONBs and should be refused, else those approved would not show exceptionality. In the recent appeal decision on a site in the High Weald AONB at Horsham ((APP/P/Z3825/W/21/3266503, CD 19.12) it was determined that even when the collective benefits of major development were concluded to be of great importance, including through the provision of market and affordable housing, that these were not matters capable of demonstrating the required 'exceptional circumstances'. Any development that is claimed to be permissible as part of an exceptional circumstances case through paragraph 177 must be exactly that – exceptional. It is only by taking a robust approach to the acceptability of major development in NLs that great weight can properly be given to these important national landscapes.

As recognised in the application submission itself (with a finding of moderate and therefore significant adverse impact to landscape character at a site level at Year 10), taken as a whole the proposal would neither conserve nor enhance the natural beauty of the Kent Downs National Landscape.

Should the Council be minded to approve the application it is requested that conditions are imposed relating to the agricultural management of the land for the term of the temporary permission and to ensure that the site is restored to agriculture at the end of the temporary consent, with all elements of the panels and associated infrastructure to be removed from the site. It will also be important to ensure that any subsequent future proposals on the site are assessed against the baseline situation of the agricultural nature of the site as it is now, rather than its more industrialized character following the installation of solar arrays; the assessment of potential AONB impacts provided above is based on the nature of the solar panels as proposed – a different form of development would be likely to have more significant impacts on the setting of the Kent Downs AONB.

Arboricultural Manager: No objections.

Kent Ramblers: Object. Comments are summarised below:

Development in the countryside should be located and designed in a way that protects and enhances landscapes; improves access to the outdoors; works with nature; and supports local communities and sustainable development.

It is recognised that we face a climate emergency, and that urgent action is needed to reduce carbon emissions, reverse nature loss, and create a healthier environment for people and wildlife. The Ramblers support measures to mitigate this by switching to renewable sources of energy including the use of solar PV technology. When there is a need for large-scale solar arrays these should be sensitively situated so that they do not damage valued landscapes.

A public footpath runs along the southern boundary of the site – HE219 Beyond this particular footpath, there is also an impact on the wider network of public footpaths, especially to the north and east of the site, including the North Downs Way National Trail.

One proposed enhancement would see the replacement of stiles at either end of the footpath. Whilst this is to be generally welcomed, it is noted that there is no indication as to whether the footpath will remain open throughout the construction phase should this application be successful. Even a temporary closure of the footpath would require an application to be made to KCC. In such circumstances we would wish to see an acceptable diversion / alternative route to be agreed.

The North Downs Way is in close proximity to the site and is one of 16 national trails. To have attained this status the route must adhere to certain standards that set them apart from other walking routes. It is these high standards that make the national trails, including the North Downs Way, attractive to walkers. The development would be visible for the North Downs Way.

The natural beauty of the landscape in this area is recognised in the designation of the Kent Downs being an AONB. It is this natural beauty that makes this part of Kent such a popular area for walking. The development would be located within the AONB and would detract from the natural beauty of the area.

Should this application be approved, there are concerns that there would be a cumulative negative impact on a significant stretch of the North Downs Way and Kent Downs AONB. Piecemeal applications, such as these, have the potential for making East Kent far less attractive to walkers and tourists alike.

The mitigation proposed do not alter the fact that should this development proceed the character of the area will be transformed and as such will have an adverse impact on the users of the PROW network in this area.

CPRE: Object. Comments are summarised below:

The application is a major development, in the AONB and the presumption against granting permission under paragraph 177 NPPF applies. The applicant fails to take sufficient account of this provision in its Planning, Design and Access Statement. It is accepted that there are benefits from creating solar power, but it is not simply a question of balancing the harm to the AONB against such benefits. To do so is to ignore the special protection against major development afforded in law and by the NPPF to the AONB.

The applicant must demonstrate exceptional circumstances and it is not considered they have done so. The analysis of the potential for alternative sites for solar arrays elsewhere in the district and neighbouring Districts should be questioned. The D&A implies that urban areas are not suitable for a 'solar farm'. Quite so, but the opportunity for solar power generation is vast as highlighted by CPRE's recent research. CPRE have also campaigned hard for new buildings to have solar panels as routine - Otterpool Park could generate power of the same order as this proposal with no additional loss of farmland.

CPRE would challenge the assumption that each district should be hosting its 'fair share' of renewable energy generation. Even if that principle were accepted, there is also no mention of Folkestone and Hythe's potential contribution of nuclear power to greener power generation.

There is increasing awareness in this country of land being a finite resource, especially that suitable for growing crops. At the same time, it has been estimated that at much as 1/3 of farmland would need to be taken out of food production in order to arrest the decline in biodiversity. The crude classification of farmland into classes with only 'best and most versatile' considered worthy of retention is flawed and somewhat subjective. The reality of this case is that the field adjacent to the application site on similar soil can typically yield more than 8 tonnes per hectare of wheat. This is a measure of the tangible loss which would have to be made up from other, probably less sustainable, sources.

In terms of the LVIA, the views from the North Downs Way above the site are entirely rural as far as the M20/railway transport corridor in the mid-distance. The view of Postling with its Grade I church, and wealth of other heritage assets is a classic which should not be ruined by incongruous modern structures in the same vista. It is completely irrelevant to quote the extent to which the proposal impacts views from the North Downs in percentage terms. The comparison of a solar array with a vineyard is also fatuous.

The issue, at heart, is whether the AONB landscape should be sacrificed in the way proposed in this application, in the interests of generating sustainable energy.

The applicant should provide evidence that the grid connection is available.

Public/Neighbour Consultation

- 5.2 271 neighbours directly consulted. 21 letters of objection, 5 letters of support received and 1 letter neither supporting nor objecting to the application.
- 5.3 I have read all of the correspondence received. The key issues are summarised below:

Objections

- The location is unsuitable.
- The development would be located in beautiful unspoilt countryside.
- The development would be harmful to the AONB.
- The natural environment would be permanently altered.
- No amount of planning will mitigate the development and any landscaping would take a long time to establish.
- The development will not benefit anyone.
- The location of onshore renewable energy projects should be the subject of careful planning and consultation.
- This is a commercial decision due to the grid connection.
- Solar panels should be located on brownfield sites or roofs.
- Whilst there is a need for more secure, sustainable energy supplies it should not be at the expense of valuable farmland.
- The land has been farmed for generations (yielded rape, wheat, barley and beans).
- The quality of the soil, is no worse nor better than the surrounding soil in the area. Black grass is due to mismanagement / poor custodianship and overreliance of fertilizers and herbicides.
- The development can't mitigate the impact on communities and wildlife.
- The development would be temporary for a period of 30-40 years and therefore it won't offer a permanent solution to the energy sufficiency question.
- the view would be blighted from the North Downs and there are concerns that once someone has been granted permission in an AONB area it would leave it open for future developments.
- Concerns relating to glint and glare.
- The solar farm will cause distractions to drivers and will be harmful to highway safety.
- The development would not be sustainable.
- Economic benefits would be limited.

- The energy generated would not be significant. The development would be contrary to local and national planning policy and the AONB Management Plan.
- The development would reduce the appeal of the area for tourism.
- There would be a negative impact on wildlife.
- EMF waves have been shown to kill birds.

Support

- Belief in the technology and the benefits it can bring to our planet and local environment.
- we all need to do our part in accommodating such new green infrastructure.
- Supporting local sustainability projects and a primary-phase education programme would be welcome additions to the project.
- the project would have significant public accessibility aspects.
- Climate change is real, and the need for renewable energy is urgent.
- There will be a landscape impact; and there are better places for solar panels such as roofs and car parks. However, this proposal will enhance wildlife habitats, and we cannot allow a short term landscape change stand in the way of a move to green energy.
- The Council declared a Climate Emergency in 2019 and has ambitions for achieving net zero across the district by 2030. This new solar farm will contribute approximately 19GWh of clean renewable solar energy, making a significant contribution to FHDCs objective to be net zero within the district by 2030.
- Solar panels have a small footprint, the land between each solar panel will be converted to grassland and be used as grazing land by livestock.
- The project will bring biodiversity gains from the planting of wildflowers and hedgerows.
- The plans will deliver substantial economic benefits, such as construction jobs and high skilled jobs, as well as other knock on benefits.
- The development will help to create a sustainable future for generations to come and should be fully supported by the council.
- Over the last few years, Pent Farm has already demonstrated its commitment to improving the environment by making changes to its agricultural practices. The success of these changes can be seen in the increased numbers of indicator farmland bird species that now breed on the farm.
- Although this solar farm is in the AONB, it is to be situated on Grade 3b farmland, right next to a major road and an electricity sub-station. If this

application is granted it should not be seen as setting a precedent for granting other solar farm applications on agricultural land. Any further applications should be assessed on their own merits.

- Farmers are encouraged to diversify and seek alternative incomes. Farming has become volatile and proposals like this can provide a reliable income that ensures the success of the allowing it to be passed onto future generations. The loss of family farms - the poorer the local community becomes.

General Comments

- Could vegetables or edible plants can be grown around the solar panels. Would it be possible to ensure that veg or poultry free-range farming could be a pre-requisite of planning permission. This would mean that food production AND clean energy could be produced on the same land and might mitigate many resident's concerns.

5.4 In addition to the comments submitted directly from local residents to the Council, the applicant has provided a further 33 consultation responses submitted via their own consultation website. These comments, which are in support of the application are summarised as follows:

- Pent Farm already provides habitat protection for wildlife to increase biodiversity on their land.
- The solar project will provide important green energy that contributes to sustainability.
- Increased biodiversity is supported.
- The need for green energy production is highly important. Society needs to embrace the progression of clean, renewable energy and help to push the advancement in technology so as to improve its efficiency and make it our primary energy source.
- We need to stop damaging our soils and over farming the land.
- The visual impact would be minimal, as it is a low level solar farm and won't be visible from the majority of locations.
- This would be a good use of land and the land will still be used for farming.
- We should be providing renewable energy solutions where we can.
- The project will make the Country more energy self-sufficient.
- The development would enhance habitats.
- The land can be reverted back to its original use in time if necessary.
- Clean energy is important to serve the increasing population.

- Support wildlife and conservation initiatives.
- Schemes like this are essential to manage the climate crisis.
- Folkestone & Hythe District Council declared a Climate Emergency in 2019 and has ambitions for achieving net zero across the district by 2030. This new solar farm will contribute approximately 19GWh of clean renewable solar energy, making a significant contribution to Folkestone & Hythe's objective to be net zero within the District by 2030.
- The plans will deliver substantial economic benefits, such as construction jobs and high skilled jobs, as well as other knock on benefits.
- The development will help to create a sustainable future for generations to come and should be fully supported by the council.
- The proposals are well thought out.
- Pent Farm, on the south-facing North Downs escarpment would be an ideal location, with minimal intrusion into the daily lives of the people who consume the energy which will be duly generated.
- Pent Farm has a history of working well with environmental protections and creating projects to foster the environment we live in.
- Farm diversification should be supported.
- Solar on an area that is unable to be farmed but is not green belt is an ideal use for the land.
- Solar panels are not unsightly and have no detrimental effect on health as fossil fuels do.
- In terms of impact on the AONB, which is clearly very important, the measures taken to plant trees and hedges will, in time, screen the site.
- The proximity to the existing substation makes the site particularly energy efficient.

5.5 The following issues were raised but are not considered to be material considerations and have been given no weight in the consideration of this application.

- The development would devalue nearby homes.

5.6 Responses are available in full on the planning file on the Council's website:

[Planning Register](#)

6. Planning Policy

6.1 The Development Plan comprises the Core Strategy Review (2022) and the Places and Policies Local Plan (2020).

6.2 The relevant development plan policies are as follows:

Places and Policies Local Plan 2020

HB1	-	Quality Places Through Design
E6	-	Farm Diversification
NE2	-	Biodiversity
NE3	-	Protecting the Districts Landscape and Countryside
NE5	-	Light Pollution and External Illumination
CC3	-	Sustainable Drainage Systems
CC6	-	Solar Farms

Core Strategy Local Plan (2013)

SS1	-	District Spatial Strategy
SS3	-	Place-Shaping and Sustainable Settlements Strategy
CSD3	-	Rural and Tourism Development
CSD4	-	Green Infrastructure and Natural Networks, Open Space and Recreation

6.3 The following are also material considerations to the determination of this application.

Folkestone and Hythe District Carbon Action Plan and Corporate Plan

Folkestone & Hythe District Council declared a climate and ecological emergency on 24 July 2019. The council has resolved, amongst other things to ensure that all approaches to planning decisions are in line with a shift to zero carbon by 2030. The council is committed to:

- Reduce carbon emissions from its own estate and operations to net zero by 2030.
- To develop a strategy for Folkestone & Hythe District Council to play a leadership role in promoting community, public and business partnerships for this Carbon Neutral 2030 commitment throughout the district.

The Carbon Action Plan was developed and adopted by cabinet in February 2021. It includes a baseline of the council's current carbon emissions and sets out 33 actions to continue the council's journey to reduce carbon emissions to zero by 2030. This range of actions, focus on six key areas - energy, behaviour change, transport, water, contracts, and biodiversity/green spaces.

Further, the Corporate Plan sets out a commitment for a greener Folkestone & Hythe stating that the council will encourage and create a more sustainable district consuming fewer natural resources.

Supplementary Planning Guidance/Documents

The Kent Downs AONB Landscape Design Handbook, 2006

The Kent Downs AONB Management Plan 2021-2026

The Kent Downs AONB Management Plan 2021-2026 is prepared by the Joint Advisory Committee (JAC) for the Kent Downs AONB which includes the twelve local authorities who have joint responsibility to prepare and review the Management Plan, including FHDC. The Management Plan, which forms part of FHDC adopted policy, sets out aims and principles for the management of the AONB.

The plan identifies the key issues, opportunities and threats facing the landscape and sets out aims and principles for the positive conservation and enhancement of the Kent Downs for a five-year period.

The Kent Downs AONB Management Plan 2021-2026 was adopted on 16th November 2021 and is a material consideration in planning matters and should be afforded weight in decisions.

The following principles from the Management Plan are of relevance:

MMP2 The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan

vision, aims, principles and actions in Local Plans, development management decisions, planning enforcement cases and in taking forward their other relevant functions.

SD1 Ensure that policies, plans, projects, and net gain investments affecting the Kent Downs AONB take a landscape led approach are long term, framed by the Sustainable Development Goals appropriate to the Kent Downs, cross cutting and recurrent themes, the vision, aims and principles of the AONB Management Plan.

SD2 The local character, qualities, distinctiveness, and natural resources of the Kent

Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and

infrastructure and will be pursued through the application of appropriate design guidance and position statements.

SD3 Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.

SD5 Renewable and sustainable energy initiatives and energy efficiency measures will be pursued where they help to conserve and enhance the natural beauty and landscape character of the Kent Downs AONB and bring environmental, social, and economic benefits to local people and ensure proposals conform with the Kent Downs AONB Renewable Energy Position Statement and resisted where they do not.

SD7 New projects, proposals and programmes shall conserve and enhance tranquillity and where possible dark night skies.

SD8 Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting, and views to and from the Kent Downs AONB.

SD11 Major development should avoid the Kent Downs AONB in line with NPPF guidance. Where it is decided that development will take place that will have a negative impact on the landscape character, characteristics, and qualities of the Kent Downs AONB or its setting, mitigation and or compensatory measures appropriate to the national importance of the Kent Downs landscape will be identified, pursued, implemented, and maintained. The removal or mitigation of identified landscape detractors will be pursued.

LLC1 The protection, conservation and enhancement of special characteristics and qualities, natural beauty, and landscape character of the Kent Downs AONB will be supported and pursued.

BD1 Creation of new habitats, wilding and connecting habitat corridors will be pursued, informed by the Lawton principles, landscape character, the needs for new recreation, the needs for resilience and the threats to existing habitats and species. Delivery will be through collaboration to establish resilient, functional ecological nature recovery networks and high-quality green infrastructure.

BD5 The protection, conservation, enhancement, and extension of Kent Downs AONB priority and distinctive habitats and species will be pursued; the Biodiversity Duty of Regard will be actively promoted.

BD9 The opportunities presented by intended Biodiversity Net Gain and other legislative changes are secured in the Kent Downs AONB in a way that support the vision, aims and principles of the Management Plan. Development permitted in the Kent Downs will secure 20% biodiversity net gain subject to

further evidence and testing; any requirement will ultimately be decided and set out individual local authorities' local plans.

AEU 14 Proposals which detract from the amenity and enjoyment of users of the Public Rights of Way network will be resisted.

Kent Downs AONB Position Statement

Photovoltaic Arrays Field-scale photovoltaic offer an economically viable form of commercial renewable electricity and over time can make a contribution to CO2 reduction. However, in this nationally protected landscape characterised by a farmed character and flowing downland with wide panoramic views it is extremely unlikely that any location could be found in or within the setting of the AONB where field-scale photovoltaics would not have a significant adverse effect on the landscape and the sense of remoteness, natural beauty and landscape character for which the Kent Downs are valued. Such installations would directly conflict with the purpose of the designation and statutory management plan objectives for this protected landscape.

Government Advice

Energy White Paper Powering our Net Zero Future (December 2020)

The Energy White Paper sets out the Government's goal of a shift from fossil fuels to clean energy, in power, buildings and industry, whilst creating jobs, growing the economy and keeping energy bills affordable. It also explains that a four-fold increase in clean electricity generation could be required by 2050, due to the retiring of existing carbon intensive and nuclear capacity and the potential doubling of demand from increased electrification (e.g. vehicles and heating).

The White Paper does not target a particular mix of energy generation technologies to meet the 2050 target, stating that the market should determine the best solutions for very low emissions and reliable supply at a low cost to consumers. It states however that a low-cost, net zero consistent system is likely to be composed predominantly of wind and solar.

The White Paper also announced that the Government would review the energy NPS's in order to reflect the policies and broader strategic approach set out in the White Paper and to ensure that the planning policy framework supports the infrastructure required for the transition to net zero.

National Infrastructure Strategy

The National Infrastructure Strategy (NIS) committed to boosting growth and productivity across the whole of the UK, levelling up and strengthening the Union through investment in rural areas, towns, and cities, from major national projects to local priorities. It also committed to government putting the UK on the path to meeting its net zero emissions target by 2050 by taking steps to decarbonise the UK's power networks which together account for over two-thirds of the UK emissions – and take steps to adapt to the risks posed by climate change.

National Planning Policy

National Planning Policy Framework (NPPF) 2023

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:

Paragraph 8 of the NPPF sets out the planning system has 3 key overarching objectives in order to achieve sustainable development. These are:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built, and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 157 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. The planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing

resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 158 states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. As such policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.

Paragraph 160 sets out that to help increase the use and supply of renewable and low carbon energy plans should:

- a) Provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development;
- c) and identify opportunities for development to draw its energy supply from decentralised, renewable, or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 163 of the NPPF also states that, local planning authorities should (when they are determining planning applications for renewable and low carbon development):

- 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 significant cutting greenhouse gas emissions;
- b) approve the application if its impacts are (or can be made) acceptable.

Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 180 states that planning policies and decisions should contribute to an enhance the natural and local environment by amongst other criteria, 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); recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; in addition, policies and decisions should minimise impacts on and provide net

gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Footnote 62 sets out that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in the Framework, when deciding what sites are most appropriate for development. It is also noted that the definition of best and most versatile agricultural land within the NPPF includes land in grades 1, 2 and 3a of the Agricultural Land Classification.

Paragraph 182 clearly states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty (now renamed National Landscapes) which have the highest status of protection in relation to these issues. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Further paragraph 183 goes on to say that when considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- b) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

(For the purposes of paragraphs 182 and 183, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined).

National Planning Policy Statements (NPPS) 2024

Following submission of the planning application in April 2023 the Government has consulted on and designated the updated National Policy Statements for Energy (January 2024).

Overarching National Policy Statement for Energy (EN-1):

EN-1 is part of a suite of NPS's issued by the Secretary of State of Department for Energy Security and Net Zero. It sets out the government's policy for delivery of major energy infrastructure. It has effect for the decisions by the Secretary of State on applications for energy developments that are nationally significant under the Planning Act 2008. Nationally significant infrastructure projects in the case of solar farms means schemes that generate 50MW of energy or more.

Whilst the current scheme which would generate up to 18MW of renewable energy would fall below the threshold to be considered nationally significant, section 1.2 of EN-1 sets out the role of this policy statement in the wider planning system as follows:

'Whether the policies in this NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy'.

EN-1 sets out the Governments commitment to net zero and states in paragraph 2.3.4 that in order to meet these objectives it is recognised that a significant amount of energy infrastructure, both large and small-scale is required.

Paragraph 3.3.20 considers the role that wind and solar should play stating that these are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply. Government analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is therefore likely to be composed predominantly of wind and solar.

Whilst a number of known generation technologies are included within the scope of EN-1 such as, amongst others, wind, wave, tidal and hydro energy generation, the NPS makes it clear that the need for all these types of infrastructure is established and is urgent (paragraph 3.3.58).

Section 5.10 of EN-1 considers the landscape and visual effects of energy projects stating that these will vary on a case by case basis according to the type of development, its location, and the landscape setting of the proposed development.

Paragraph 5.10.4 states that landscape effects arise not only from the sensitivity of the landscape but also the nature and magnitude of change proposed by the development, whose specific siting and design make the assessment a case-by-case judgement. As such, projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate. Further, paragraph 5.10.7 highlights that National Parks, the Broads and AONBs have been confirmed by the government as having the highest status of protection in relation to landscape and natural beauty.

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

EN-3 Covers renewable energy infrastructure comprising solar PV generating above 50MW in England but as with EN-1 is also a material consideration in determining smaller schemes that are not deemed to be nationally significant.

Section 2.10 of the NPS is dedicated to solar photovoltaic generation and states that solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector. Paragraph 2.10.13 recognises that solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation.

The NPS provides support for large scale solar development, by confirming that the government seeks large scale ground-mount solar deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land. It sets out that solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land, and encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement.

EN-3 states that the key considerations involved in the siting of a solar farm are likely to be influenced by the following factors:

Irradiance and site topography - Irradiance of a site will in turn be affected by surrounding topography, with an uncovered or exposed site of good elevation and favourable south-facing aspect more likely to increase year-round irradiance levels.

Network connection - The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development proposal. To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs, applicants may choose a site based on nearby available grid export capacity.

Proximity of a site to dwellings – Visual amenity and glint and glare considerations.

Agriculture land classification and land type - Solar is a highly flexible technology and as such can be deployed on a wide variety of land types. While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of “Best and Most Versatile” agricultural land where possible. ‘Best and Most Versatile’ agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.

Accessibility - Applicants will need to consider the suitability of the access routes to the proposed site for both the construction and operation of the solar farm with the former likely to raise more issues.

Public rights of ways - Applicants are encouraged where possible to minimise the visual impacts of the development for those using existing public rights of way, considering the impacts this may have on any other visual amenities in the surrounding landscape.

Security and lighting - Security of the site is a key consideration for developers. Applicants may wish to consider not only the availability of natural defences but also perimeter security measures such as fencing, electronic security, CCTV and lighting, with the measures proposed on a site-specific basis. The visual impact of these security measures, as well as the impacts on local residents should be considered.

Landscape and visual impacts – visual impacts need to be considered carefully taking account of any sensitive visual receptors, and the effect of the development on landscape character, together with the possible cumulative effect with any existing or proposed development. Nationally designated landscapes (National Parks, The Broads and Areas of Outstanding Beauty) are afforded extra protection due their statutory purpose.

Biodiversity and ecological conservation - to achieve environmental and biodiversity net gain.

National Planning Policy Guidance (NPPG)

The NPPG states that in relation to climate change, in addition to supporting the delivery of appropriately sited green energy, effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment.

Renewable and low carbon energy – The guidance states that in shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that:

- the need for renewable or low carbon energy does not automatically override environmental protections;
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;
- 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;
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;
- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

7. Appraisal

7.1 In light of the above the main issues for consideration are:

- a) Principle of the development
- b) Character and appearance and landscape impact
- c) Ecology and Biodiversity
- d) Highway Safety
- e) Impact on Residential Amenity
- f) Flooding and Drainage
- g) Heritage and Archaeology
- h) Other Matters

a) Principle of the Development

- 7.2 The Government recognises that climate change is happening, and that action is required to mitigate its effects. One action being promoted is a significant boost to the deployment of renewable energy generation. The Climate Change Act 2008, as amended sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero, by 2050. Recently, the Government committed to reduce emissions by 78% compared with 1990 levels by 2035. The Clean Growth Strategy 2017 anticipates that the 2050, targets require, amongst other things, a diverse electricity system based on the growth of renewable energy sources.
- 7.3 Government planning guidance set out within the NPPF also recognises the responsibility on all communities to contribute to energy generation from renewable and low carbon sources. Local planning authorities are required to have a positive strategy to promote energy from renewable and low carbon sources as it helps ensure a secure more sustainable supply of energy that reduces carbon emissions minimising the impact of climate change.
- 7.4 In terms of dealing with climate change, paragraph 157 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate and should support renewable and low carbon energy and associated infrastructure. When determining planning applications for renewable energy local planning authorities are advised to approve schemes if the impacts are acceptable or can be made acceptable.
- 7.5 The development is considered 'major development' for the purposes of the NPPF due to the large scale of the proposal, the site's undeveloped character and location and its proximity to the North Downs Way. Therefore, in line with NPPF paragraph 183 an exceptional circumstances test needs to be undertaken and the development would need to satisfy all three aspects of the test, as well as being deemed to be in the public interest.
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 7.6 A further material consideration in the determination of planning proposals is National Policy Statements (NPS) for the delivery of major energy infrastructure. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. The updated NPS

statements adopted in January 2024 identify that, as part of the strategy for the low-cost decarbonisation of the energy sector, solar farming provides a clean, low cost and secure source of electricity.

- 7.7 The December 2020 Energy White Paper reiterates that setting a net zero target is not enough, it must be achieved through, amongst other things, a change how energy is produced. The White Paper sets out that solar is one of the key building blocks of the future generation mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener where under Key Policies it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar.
- 7.8 At a local level, Core Strategy Review policy SS1 sets out the spatial strategy for the district in terms of long term development with the main element being a set of overarching provisions. Policy SS1 seeks to locate development within the most sustainable areas of the district. The policy states that within the North Downs Area, within the AONB (National Landscape), major development will be refused other than in exceptional circumstances and where it can be demonstrated that the development is within the public interest in accordance with the requirements of the NPPF.
- 7.9 PPLP policy CC6 covers matters relating to renewable energy development, specifically solar farms. The policy sets out a total of 10 criteria for the development of new solar farms or the extension of existing solar farms stating that permission will only be acceptable where it can be demonstrated that:
1. The proposal does not have an adverse impact on the landscape character or have any adverse visual impact on the scenic beauty of the Kent Downs AONB, other sensitive local landscapes or heritage assets;
 2. The proposal does not result in the direct loss of amenity to nearby residential properties by virtue of glare or other disturbance;
 3. Any necessary ancillary building works are minimised so as not to adversely impact on the character of the surrounding area;
 4. There are no adverse ecology impacts arising from the development;
 5. A suitable landscaping and screening strategy is included with the application;
 6. The solar panels and supporting frames are finished in an appropriate colour to minimise visual impact;
 7. The solar panels are removed when no longer operational;

8. The consideration of the need for and impact of security measures such as lights and fencing, are included in the application;
 9. The proposal clearly indicates the installed capacity (MW) of the proposed facility; and
 10. The solar farm will not result in the loss of the best and most versatile agricultural land.
- 7.10 Whilst policy CC6 does not specifically preclude development in the AONB, the preamble refers to the AONB Position Statement stating that it would be 'extremely unlikely' that a suitable location could be found in the AONB for field scale proposals.
- 7.11 The development has a capacity of 18MW at peak capacity, generating a significant amount of electricity from a clean, renewable source. This would meet the energy needs of approximately 5,568 homes. It is acknowledged that this is a substantial benefit that attracts significant weight in planning terms. There are no physical constraints limiting early development of this site and a grid connection offer is in place. As such, the scheme could make an early contribution to the objective of achieving the statutory Net Zero target set for 2050 and the commitment to reducing emissions by 78% compared with 1990 levels by 2035.
- 7.12 It is clear from all of the above that the Government has committed to sustained growth in solar capacity in the UK to ensure the promise to achieve net zero emissions can be met and that solar is a key part of the strategy for low cost decarbonisation of the energy sector. The NPS's support the principle of large scale solar photovoltaic generation whilst recognising that developments of this scale will inevitably have impacts, particularly if they are located within rural areas.
- 7.13 In addition, local plan policy together with the Council's Corporate Plan and Carbon Action Plan and the declared climate emergency all recognise the need for, and support the principle of, renewable energy generation subject to appropriate mitigation against significant adverse impacts (to be considered in subsequent sections of this report). How well a large solar scheme mitigates its impacts in a rural location is therefore key and I turn to that in the following section of this report.
- 7.14 Therefore, in the light of the above I consider that there is a demonstrable and overarching policy drive from both planning and other legislative documents to deliver renewable energy on an increasingly larger scale as a matter of principle. Furthermore, the urgency by which this needs to be delivered should be given weight in the decision making process and any adverse impacts of the development must be considered against this comprehensive and pressing need to deliver energy capacity in the form of renewable sources. Accordingly, my recommendation is that the Local Planning Authority does not raise

objection to the proposal as a matter of fundamental principle. Members need to therefore weigh up the contribution the scheme would make and balance this against the other environmental considerations.

b) Character and Appearance and Landscape Impact

- 7.15 The application site is located wholly within the AONB. Landscapes within the AONB are highly valued; they need to be protected and enhanced to ensure that their nationally important status is maintained. It is also important to protect views into and out of the AONB. The NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's which have the highest status of protection.
- 7.16 Policy CSD4 of the Core Strategy Review requires planning decisions to have close regard to the need for conservation and enhancement of natural beauty in the AONB, which will be given the highest status of protection in relation to these issues.
- 7.17 Policy CC6 of the PPLP at criteria 1 sets out that proposals for the erection of solar farms, must not have an adverse impact on the landscape character or have any adverse visual impact on the scenic beauty of the Kent Downs AONB, other sensitive local landscapes or heritage assets;
- 7.18 Further policy NE3 of the PPLP states that the impact of individual proposals and their cumulative effect on the Kent Downs AONB and its setting will be carefully assessed, making it clear that planning permission will only be granted where it can be demonstrated that all the following criteria have been met:
1. The natural beauty and locally distinctive features of the AONB and its setting are conserved and enhanced;
 2. Proposals reinforce and respond to, rather than detract from, the distinctive character and special qualities including tranquillity of the AONB. The design scale, setting and materials of new development must be appropriate to the AONB;
 3. Either individually or cumulatively, development does not lead to actual or perceived coalescence of settlements or undermine the integrity of the predominantly open and undeveloped, rural character of the AONB and its setting;
 4. Development is appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area (where this is consistent with the primary purpose of conserving and enhancing natural beauty); and Development meets the policy aims of the Kent Downs AONB.

- 7.19 An LVIA (Landscape and Visual Impact Assessment) has been carried out by the applicant and forms part of the Environmental Statement submitted with the application. The LVIA has identified areas where the site is most visible, including public rights of ways, roads and long distance viewpoints and also parts of the scheme where landscape and visual mitigation (planting) would be required.
- 7.20 The Council's Landscape consultants have undertaken a review of the LVIA methodology (Review) and are satisfied that it provides an approach which should inform a comprehensive and reasonable assessment of the anticipated impacts and effects of the scheme on landscape character and visual amenity. The assessment has been carried out in accordance with best practice, including Guidelines for Landscape and Visual Impact Assessment (GLVIA3).
- 7.21 The LVIA sets out matters which have been under consultation with FHDC and the Kent Downs AONB as part of the scoping for the LVIA and how these have been addressed. The landscape and visual effects are assessed during the Construction Phase (winter), Year 1 of operation (winter) and Year 10 of operation (winter and summer), which is considered reasonable. The assessment of cumulative effects is explained and is considered reasonable. Similarly, the LVIA takes a reasoned approach to assessment of the character of the night sky and to effects on residential receptors.
- 7.22 The LVIA states that the site is *not fully representative of the special landscape components of the AONB*. This is not considered to be accurate, and the council's independent review considers that the contribution of the site to AONB qualities and characteristics, and particularly to the *dramatic landform and views*, is underplayed. The LVIA states that *the site is not located across the scarp-slope and is therefore not part of the dramatic landform*. This statement is not supported as the site is part of the AONB designation and the lower lying plateau at the foot of the scarp which is integral to the contrasting landform and long distance panoramic views does therefore contribute to the dramatic landform. The review also disagrees with the conclusion that *there is no sense of remoteness and a reduced tranquillity and therefore the site is considered not to be representative of this component*. Despite the presence of detractors including the pylons and adjacent road, which do diminish rural character, the site comprises farmland, including hedgerows and trees, and does retain some degree of tranquillity.
- 7.23 The LVIA considers the site within the wider context of the study area and offers a detailed description of the area within the context of landform and hydrology, settlement pattern and land use and concludes that:

The Site is located in a part of the AONB which is already characterised by infrastructure land uses, via the substation and overhead pylons, as well as changes to the agricultural land use via the airfield. The Site is therefore part of a more developed landscape, both within the AONB and its setting.

- 7.24 While this is a matter of judgement, the review questions whether the site and local context are characterised by infrastructure and the site part of a more developed landscape, but agrees that existing infrastructure, notably pylons, power cables and telecommunications infrastructure, does have some influence which diminishes rural character.
- 7.25 The site is within the Postling Scarp and Vale Character Area identified in the Kent Downs AONB Landscape Character Assessment 2020 which includes the following key characteristics:
- *Landform comprises a strongly-crenelated and steep south-facing scarp, with an undulating landscape to the south;*
 - *Springs and ponds occur at the base of the scarp;*
 - *Woodland blocks and shaws throughout the vale, and a distinctive band of trees and shrubs at the base of the scarp slope;*
 - *Large numbers of ash trees;*
 - *Land use predominantly agricultural, with arable and pastoral fields;*
 - *Outstanding views from the scarp and hill tops across the patchwork of fields and woodlands in the vale to the south.*
 - *Sense of tranquillity away from large settlements and transport infrastructure.*
- 7.26 Consultation comments from the Kent Downs National Landscape Unit relating to these characteristics have concluded that:
- The application site and its immediate environs are considered to be largely reflective of these identified characteristics and it makes a positive contribution to the landscape and scenic beauty of the Kent Downs AONB.*
- 7.27 In light of the above, overall, there is a difference of opinion between the council and consultees concerning the assessment of existing character with the LVIA tending to underplay the extent to which the site is a positive contributor.
- 7.28 The site itself is deemed to be of Medium sensitivity within the LVIA and assessment of the site's value is reduced to Medium from Very High, which would normally be afforded by the AONB designation, because the site does not exhibit all of the key characteristics of the designation. However, the review considers that the designation should be given due acknowledgement, notwithstanding identified detracting influences, and suggests that landscape value should be assessed as High rather than Medium.
- 7.29 The site is also within the Kent Stowting Postling Vale character area with its sensitivity concluded to be Medium within the LVIA. The Landscape Character Area (LCA) is described in the published study as *characterised by development, with major roads and rail at the edge of the AONB*, and susceptibility is therefore concluded to be Low. However, as acknowledged by the applicant, the published study assesses the condition of the landscape as "very good" due to a coherent pattern of elements, few detracting features, and

a strong functional integrity. The sensitivity is assessed as “*very high*” due to a strong sense of place and very high visibility across the LCA. As such it is considered that the site and its immediate area do not fully reflect the wider LCA *characterised by* development and could be described as generally peaceful and tranquil with wide open landscape views despite its geographical location.

- 7.30 The assessment of the landscape character area in which the site is located - Postling Scarp and Vale, also seems to underestimate the susceptibility of LCA to the change to the proposed use, stating that the *variation in landform between the scarp slope and lower lying landform across the vale results in a contrasting ability to accommodate change to landform*. The Review considers that the visibility of the site in views from the scarp and thus its contribution to the qualities of the AONB underlines its overall susceptibility and should be considered in the context of the aspirational landscape strategy of the AONB that *the distinctive landforms and skylines of the scarp remain an integral part of the local landscape and are appreciated by both residents and visitors*.
- 7.31 The baseline visual appraisal summarises the visibility of the site. The conclusions of this analysis are that *there would be a reduction in visibility particularly to the east and south and that the theoretical visibility of the site remains very localised to the north and west and is concentrated between the base of the scarp slope and the M20*. Whilst it is agreed that the visibility from the west and south is limited, it is considered that suggesting impacts would be very localised underplays the visibility of the site from the scarp slope of the AONB to the north. Whilst it is agreed that the site may not be continuously visible, and where it is seen within the view it may not be seen in its entirety, it is nevertheless a part of views from the North Downs Way and various parts of the PROW network which crosses the scarp slope and offers elevated views towards the site. The Kent Downs National Landscape consultation response references a number of local landscape character assessments which underline the importance of views from the scarp as a positive contributor to the special qualities of the AONB and the rural landscape. Kent County Council PROW officer also states that *PROW views from the “scarp slope” are the long distance views that give existing character to the area and network and despite current infrastructure, the block form of the solar farm will have significant impact on these views*.
- 7.32 In addition, it is considered that the influence of detracting elements is a matter of degree and that these views are predominantly rural in character. Although existing infrastructure may be visible in these views, and a more prominent element in some views it is not agreed that it can be described overall as a *notable presence*, indeed some of the viewpoints whilst subject to some influence from existing infrastructure and scattered development, are largely rural in character.
- 7.33 The description of magnitude of effects at year 1 within the LVIA acknowledges that the scale and extent of the change in land use, with the introduction of new

structures and change from a rural character to one of solar farm would result in a high magnitude of impact at year 1. The LVIA goes on to say that, at year 10, the above changes to the Site character would remain due to the continued change in land use. Magnitude of impact is therefore concluded to remain high. However, overall effects are reduced from Major Adverse to Moderate Adverse, largely on the assumption that proposed new planting would have matured to deliver biodiversity enhancements. It is however considered that the scale and nature of the change at year 10 relating to land use, land cover and overall landscape character would not necessarily be substantially diminished by the landscape proposals at year 10 more than at year 1. As acknowledged by the LVIA, this would be especially true in winter. It is arguable that effects would remain Major Adverse, especially in winter, but the overall assessment of a Moderate Adverse effect remains an acknowledgement of significant adverse effects.

- 7.34 Effects at all phases of the development on the Stowting: Postling Vale LCA, in which the site is located, are concluded to be Negligible Adverse, largely as a consequence of the assessment of magnitude of impacts as very low. Although a matter of judgement, this conclusion is questioned. Construction impacts, as the LVIA acknowledges, *would be perceived from a wider extent of the scarp slope and low lying land to the east of the Site*. Construction activity would form a notable discordant element in views, most notably those from the scarp, and, within the context of the LVIA stated methodology, considers the assessment of magnitude as very low to be unduly low.
- 7.35 At year 1 the LVIA assessment acknowledges that the solar panels and structures would reduce the openness within the site, but suggests, broadly, that the influence of the existing substation, pylons and road is such that at year 1 the *proposed development would not impact the integrity of the wider landscape*. The local area is described as a part of the LCA already consisting of infrastructure. It could be argued however that although infrastructure does have an influence, the wider area is more reflective of farmland and scattered rural settlement. In view of the proposed scale of change to the existing land use and land cover, a magnitude of very low (defined in the stated methodology as *virtually imperceptible loss or alteration or addition of new features or components that overall retain the character or setting of the area*) seems to underplay the anticipated magnitude. The year 10 assessment of magnitude as very low assumes that *the establishment of the proposed development would reduce the perception of the change in land use, due to the density of vegetation within the site*. Whilst it is acknowledged that the proposed planting would be likely to have a softening effect and to make a positive contribution to landscape character, the scale of change to land cover and land use would remain and the landscape proposals are considered unlikely substantially to diminish magnitude and thus, overall residual effects.
- 7.36 In terms of the summary of effects on the Kent Downs AONB whilst the overall views would be retained, the proposals would impact on the character and quality of the far reaching, largely rural views obtained from the scarp which

are a key component of the AONB special qualities and a primary focus for recreational users of the AONB. As acknowledged in the LVIA visual impact assessment, the proposals are anticipated to have significant adverse effects on these views.

- 7.37 The LVIA concludes that *the predicted landscape effects would reduce with the establishment of the proposed planting via the increased enclosure and reduced perception of the solar panels. The Proposed Development therefore moderates the potential effects to the AONB and whilst significant adverse effects remain at year 10, these are localised and are considered not to harm the natural beauty of the AONB.*
- 7.38 In light of the above, significant adverse residual effects on the AONB are therefore acknowledged by the applicant. The suggestion that this level of harm is rendered acceptable because the effects are *localised* diminishes the importance of the site in the setting to the scarp slope and wider contribution to AONB qualities, including the far reaching extensive views from the scarp which are a key component of the dramatic landform and its contribution to the AONB's special qualities.
- 7.39 Whilst the review of the LVIA has highlighted some areas of disagreement between the applicant and the council in relation to the baseline assessment of sensitivity of landscape receptors, including the site, the overall conclusions with reference to the effects of the proposals on the site itself do acknowledge significant adverse effects from construction through to operation and residually at Year 10.
- 7.40 In conclusion, I consider that from a landscape and visual impact perspective, the scheme as proposed would cause significant harm to local landscape character and visual amenity and the public perception and enjoyment of the local countryside. In addition, the development would detract from and fail to conserve and enhance the natural beauty and locally distinctive features of the AONB. As a result, the development would be contrary to PPLP policies NE3 and part 1 of CC6 and policy CSD4 of the Coire Strategy Review. The proposed landscape mitigation measures are not considered sufficient to overcome these impacts and as such the proposals are contrary to national and local planning policies and guidance.

c) Ecology and Biodiversity

- 7.41 Policy CC6 of the PPLP seeks to ensure that renewable energy schemes do not have significant adverse impacts on ecology. PPLP policy NE2 seeks to protect biodiversity and there is an expectation that development will provide opportunities for enhancing existing ecological features and habitats and to mitigate any potential impacts.
- 7.42 The application is accompanied by an Ecological Appraisal. This considers the potential impacts on protected species and protected habitats. The Ecological

appraisal identifies that, with the exception of ground nesting birds, the majority of the habitats within the site which support the species present or likely to be present within the site will be retained and enhanced. In addition, whilst skylark nesting opportunities would be lost on the site itself, there are other suitable nesting areas nearby and the proposed enhancements are likely to improve foraging opportunities for skylark and other ground nesting birds.

- 7.43 Further, the NPPF seeks to ensure that developments provide biodiversity net gains. The application states that the proposed development would result in substantial benefits for local biodiversity, with a forecast net gain of +86% in Habitat Units, and +48% in Hedgerow Units, far above the mandatory requirement of 10% set by the Environment Act, and 20% set as a target by the AONB Management Plan.
- 7.44 KCC's Ecological advice service have commented on the application and confirm that they are supportive of these measures confirming that if they are established and managed appropriately the proposed Biodiversity Net Gain is achievable however there are concerns that if the grassland can't be managed as intended the anticipated BNG of 85% for habitats is not achievable. Notwithstanding this the proposed uplift in BNG is supported and if planning permission were granted an appropriate management plan could be secured by condition. In light of the above I am satisfied that matters relating to Ecology are appropriately mitigated in accordance with PPLP policy NE2 and part 4 of policy CC6.

d) Highway Safety

- 7.45 In relation to access, Section 9 of the NPPF sets out national policy in relation to promoting sustainable transport. Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.46 Construction and maintenance traffic will access the Site from B2068 Stone Street via the M20 Junction 11, with the access an existing access point in the western boundary of the southern field.
- 7.47 The Transport Statement concludes that in total, there would be a maximum of approximately 153 two-way movements per day during peak activities for 4 weeks of construction (W5-W8). This is inclusive of delivery-related movements and staff trips. For the remainder of the construction period, W9-W32 (24no. weeks), there would be a maximum of approximately 62no. two-way movements per day on average, inclusive of delivery-related movements and staff trips.
- 7.48 This level of trip generation is not considered to be significant and would only take place over a limited and temporary time period.

- 7.49 In terms of deliveries, these would take place from Monday – Saturday (inclusive) within the following hours:
- Monday to Friday 07:30 – 18:00;
 - Saturday 07:30 – 13:00; and
 - No deliveries on Sundays with the exception of one-off abnormal loads or large vehicles such as cranes.
- 7.50 Once operational, trips to the site would be limited to the occasional LGV accessing the site for maintenance purposes, on average once a month.
- 7.51 Given the moderately trafficked nature of the local highway network, and that most trips would be of a limited and temporary nature, the site access arrangements are considered to be appropriate for the scale and nature of the development.
- 7.52 The proposals have been considered by KCC Highways and Transportation who confirms that they have no objections to the proposals subject to conditions, including one requiring a Construction Traffic Management Plan and the provision and maintenance of visibility splays.
- 7.53 Subject to conditions, the proposals are considered to be acceptable with regards to highway safety.

e) Impact on Residential Amenity

- 7.54 The closest residential property to the application site is located approximately 80m south-west of the site off Stone Street and is separated from the site by the Stanford Electricity Substation. There are a cluster of properties off the Stone Street / Pilgrims Way junction located approximately 370m north of the site. The closest settlements are Stanford which is located approximately 350m south of the site, and Postling which is approximately 750m north east of the site.
- 7.55 The submitted LVIA considers whether the proposed development would result in residential visual amenity effects. Whilst a significant adverse effect is predicted to residents of The Outlook, located to the north of the site, this is due to the elevated position of this property in relation to the site and the change to the composition of the view. However, this impact would not result in residential visual amenity effects due to the arrays being orientated away from the dwelling, the existing context of pylons within the view and that longer distance views across the wider landscape would remain. In addition, the main orientation and windows across the property are on the western and eastern facades, not the southern façade which is oriented towards the site.

7.56 In light of the above, and taking account of the separation distances, I am satisfied that the proposed development would not be unacceptably harmful to the residential amenity of the occupiers of neighbouring dwellings.

f) Flooding and Drainage

7.57 The solar panels would allow rainwater to fall between gaps to the ground below the panels where it would percolate to ground. Erosion would be prevented by maintaining the grass sward beneath the panels that would prevent rilling. Filter drains and swales are proposed at intervals across the site to intercept any potential overground flows and to try and result in betterment over the existing greenfield run-off rates.

7.58 It is further proposed that all new site access tracks would be constructed of permeable stone. The transformer stations, Switchroom, Control Centre and DNO Substation would drain to localised filter drains or swales that would allow percolation to ground.

7.59 KCC as the Lead Local Flood Authority have provided consultation comments and have raised no objection to the drainage strategy subject to conditions. I am therefore satisfied that matters relating to flooding and drainage can be satisfactorily mitigated in line with the requirements of PPLP policy CC3.

g) Heritage and Archaeology

7.60 The Planning (Listed Buildings and Conservation Areas) Act 1990 places statutory duties on local planning authorities in respect of considering the impacts of proposals on listed buildings and Conservation Areas. In addition, policy HE1 seeks to protect important archaeological sites stating that development that would adversely affect them will not be permitted.

7.61 The site is not within a conservation area, and there are no listed buildings, other designated heritage assets, or nature conservation designations across the site.

7.62 The application is accompanied by a Heritage Statement assessing the potential impacts of the proposals on a range of heritage assets.

7.63 Given the separation distance between the proposed site and designated heritage assets such as listed buildings, it is considered that the proposals would not give rise to any adverse impacts on the setting of the assets.

7.64 In terms of archaeology, the site lies within an area of multi-period archaeological potential and immediately adjacent to the line of Stone Street, the Roman road linking the port at Lympne with Canterbury.

7.65 The County Archaeologist has been consulted on the application and raises no objections to the proposed development subject to a condition to secure the necessary field evaluation surveys. This would take the form of geophysical

survey, controlled metal detecting survey and trial trenching. Should archaeological evidence be found, appropriate mitigation would be secured to avoid impacts through preservation in situ and/or archaeological excavation.

h) Other Matters

Agricultural Land Classification and Soils

- 7.66 Criteria 10 of PPLP policy CC6 requires that solar farms do not result in the loss of best and most versatile agricultural land. This is defined as land falling within grades 1, 2 and 3a of the Agricultural Land Classification. Further the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 7.67 The Agricultural Land Classification survey submitted identifies that all of the land within the application site is graded as Grade 3b (moderate quality agricultural land). The survey identifies that the most significant limiting factor (resulting in the ALC grade of 3b across the site) is the wetness of the soils.
- 7.68 Given that the site does not comprise best and most versatile agricultural land there is no conflict with policy CC6 on this point.
- 7.69 The nature of the proposed development is such that it provides potential for the land beneath and around the solar panels to continue in a form of agricultural use during the operational lifetime of the solar farm, with potential for agricultural grazing.
- 7.70 Permanent grassland cover for the lifetime of the development would be beneficial to the health of the soil structure, as it would protect the soil from wind erosion when dry, scour erosion due to runoff from the panels, and damage from trafficking and surface water runoff during periods of wet weather. Further, there would also be no requirement for annual fertiliser applications over the lifetime of the development, which will have an environmental benefit and allow the soils to return to their normal nutrient levels and promote the growth of native species.

Public Rights of Way

- 7.71 The value of the PROW network is in providing the means for residents and visitors to access and appreciate landscapes for personal health and wellbeing, enhancing community connectivity and cohesion, reducing local traffic congestion for economic benefit and improvement in air quality, and much more. The existence of PROWs are a material consideration.
- 7.72 The substantial size of this development will have an adverse impact on the PROW network, through visual impact, and loss of amenity over a significant

period of time. Sustainable Active Travel as well as recreational activity across both the development and the wider area connectivity must be future-proofed.

- 7.73 The amount of use of a PROW is not a factor as a PROW has public rights regardless of use.
- 7.74 KCC's Countryside and Access Service have provided detailed comments in response to the application and disagrees with the applicant's conclusion that the direct effects on the PROW network will be negligible and it is clear that the character of the area would be transformed as a result of the development. As such, the user experience of those utilising the PROW network will be changed for a period of 40 years. Whilst it is accepted that the proposed planting will over time help to mitigate the impact, the planting will not be instantaneous. Further, the user experience would be significantly disrupted during the construction and decommissioning phases.
- 7.75 Notwithstanding this, it is considered that a contribution of £60,000 would go some way to mitigate these concerns providing network improvements. If Planning Permission was resolved to be granting this would need to be secured by means of a planning obligation.

Glint and Glare

- 7.76 Solar panels are designed to absorb, not reflect, irradiation. However, the sensitivities associated with glint and glare, and the landscape/visual impact and the potential impact on aircraft safety, should not be underestimated.

Glint may be produced as a direct reflection of the sun in the surface of the PV solar panel. It may be the source of the visual issues regarding distraction to the viewer. Glare is a continuous source of brightness, relative to diffused lighting but is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint.

- 7.77 A glint and glare assessment has been carried out in relation to the aviation, dwellings and road receptors. No significant impacts are predicted upon road safety, residential amenity, and aviation activity.

Noise

- 7.78 During the operational phase, the activities would generally be minimal and amount to limited maintenance activities, including servicing of plant and equipment, cleaning of solar PV panels, and vegetation management, including management of grazing activities.
- 7.79 Once operational, solar farms generate very little noise. The only sources of noise at this stage are the transformers (which produce a 'low hum' at close distance) and string inverters.

- 7.80 During construction and decommissioning, some traffic and noise would be generated. This would vary over time and would be limited to the proposed hours of construction.
- 7.81 Given that noise levels are predicted to be low with plant located away from the boundaries of the site and the proposed noise assessment concludes that the site can be designed to operate such that it complies with all appropriate and relevant noise standards and guidance I am satisfied that the issue of noise and disturbance can be appropriately mitigated by condition.

Environmental Impact Assessment

- 7.82 This development has been subject to an EIA Screening Opinion and is considered to be EIA development.

Local Finance Considerations

- 7.83 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. There is no CIL requirement for this development.

Human Rights

- 7.84 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

- 7.85 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.
- 7.86 It is considered that the application proposals would not conflict with objectives of the Duty.
- 7.87 In determining this application regard has been had to the Public Sector Equality Duty (PSED), as set out in Section 149 of the Equality Act 2010 in particular with regard to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
 - Advance equality of opportunity between persons who share a relevant protected characteristics and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.88 It is considered that the application proposals would not conflict with objectives of the Duty.

Working with the applicant

- 7.89 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

8. CONCLUSION AND PLANNING BALANCE

- 8.1 Local and national planning policies support the development of renewable energy schemes, subject to there being no adverse harm arising from the proposals. It is acknowledged that the Parish Council and local residents have raised significant concerns in respect of the proposed development and those concerns have been considered in this report. Similarly, a number of local people have expressed support for the proposed development.
- 8.2 The proposal would result in the loss of around 27 hectares of farmland although this is not best and most versatile agricultural land and would continue to be used for grazing. This would be replaced by the potential to develop around 18MW of renewable energy for a period of 40 years. This would be sufficient renewable energy to power the equivalent of approximately 5,568 homes a year. This would be a positive benefit towards helping meet the climate change agenda.
- 8.3 The proposals would result in adverse effects on the landscape character and the National Landscape, the latter of which is afforded the highest level of protection. Impacts on views would be limited due to being relatively

localised, however would be experienced by a large number of receptors using the site for recreational purposes particularly from the network of public rights of ways. Therefore, the proposals are considered to be contrary to the requirements of local plan policies NE3 and CC6. As such, the benefits of the proposals are insufficient to outweigh the detrimental change to the quality of the landscape due to failing to conserve and enhance the character of the area.

- 8.4 There are not considered to be any detrimental harms to the setting of designated heritage assets.
- 8.5 The proposals include new planting and biodiversity enhancements and whilst it is not clear if the anticipated BNG of 85% for habitats is entirely achievable the uplift would far exceed the mandatory requirement of 10% set by the Environment Act.
- 8.6 The development would not increase flood risk and it is considered that the approach to drainage is acceptable. In addition, the application deals with matters of residential amenity, highway safety and archaeology satisfactorily.
- 8.7 This is a finely balanced recommendation given national and local support for schemes that provide renewable energy, as demonstrated in this report. However, overall, it is considered that the harm arising from the proposals is considered to outweigh the public and environmental benefits and it is therefore recommended that the application be refused.

9. BACKGROUND DOCUMENTS

- 9.1. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council (www.folkestone-hythe.gov.uk). Those papers relating specifically to this application may be found on the View applications online pages under planning application reference 23/0580/FH)

10. RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposals would result in a detrimental change to the quality of the strategic landscape, failing to conserve and enhance the character of the North Downs National Landscape. This would result in significant harm to the visual character of the area and thus impact on the enjoyment of the area by receptors using the local public rights of way. The proposed mitigation is insufficient to overcome these harms.

As such the proposals would be contrary to policies SS1, CSD4 of the Core Strategy Review (March 2022), policies NE3 and CC6 of the Places and

Policies Local Plan (September 2020) together with the National Planning Policy Framework and the Kent Downs AONB Management Plan 2021-2026.

