

4.1 – SE/14/03361/FUL Date expired 27 January 2015

PROPOSAL: Planning application for a Solar PV Park complete with landscaping mitigation, inverters, substation, security fence, infra red CCTV, access for the landowner to farm, new planting, and all necessary ancillary works.

LOCATION: Skinners Farm, Skinners Lane, Edenbridge TN8 6LW

WARD(S): Edenbridge North & East

### **ITEM FOR DECISION**

The application has been referred to the Development Control Committee by Councillor Scholey for the reason that no policy held by Sevenoaks District Council development plan covers the building of renewable energy structures in the Green Belt. In the absence of such a policy that has been neither subject to scrutiny by members nor subject to public consultation, Councillor Scholey does not believe that it is appropriate that a decision, which could set a precedent in the District, should be taken under delegated authority.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. The Council does not consider that the very special circumstances and the sequential analysis put forward in this case are sufficient to justify overriding policy held within the National Planning Policy Framework, policies LO1, LO8 and SP2 of the Sevenoaks District Core Strategy and guidance held within the National Planning Practice Guidance.

The proposed development would significantly harm the visual amenities of those who use the network of public footpaths that pass the site. In the short term, prior to the proposed natural screen establishing itself on site, the appearance of the proposed fencing around the site and the appearance of the panels and associated structures would significantly detract from the visual amenities of the immediate area around the site. Once established, the screen would reduce the appreciation of the open character of the area to those using the public footpaths, particularly the footpath that currently runs in a north-south directly adjacent to the application site. This conflicts with policy LO8 of the Sevenoaks District Core Strategy.

### **Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may

arise in the processing of their application,

- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

#### Description of Proposal

- 1 The application proposes the creation of a large scale solar park (or solar farm), within a field that forms part of the existing farm holding, and associated works. The solar farm would cover an area of 10.92 hectares (26.98 acres), produce 6 mega watts (MW) of power, and would comprise solar panels erected on metal framework raised a maximum of 2.3m above the existing ground level. The solar panels would be arranged in long rows across the field and would be south facing in a roughly rectangular shape. Each row of panels would be 4.1m deep, the largest span of panels would be roughly 200m and the rows of panels would cover a distance of just over 400m.
- 2 The associated works include a substation and client room located on the western boundary of the site, a 1.8m high wire mesh security fence, three sets of inverters and transformers within the site, a maintenance track within the site, boundary planting on the outer edge of the fence and infra red CCTV for security purposes.
- 3 The underground connection to the national grid, some 2km long, would be created by UK Power Network. Since this organisation is a statutory undertaker this work would be considered to be permitted development.
- 4 The proposed substation and client room would be stand alone structures, 5m wide, 4.5m deep and 2.8m in height. The proposed inverters and transformers would be grouped such that two inverters would stand with one transformer. The transformer would be the largest of the three structures, proposed to be 4m by 2m and approximately 2.7m in height.
- 5 The electricity produced by the panels would be fed into the national grid to provide power across the country. For each MW of power produced by a solar

park, enough electricity is generated per year for roughly 250 homes, which equals a reduction of 430 tonnes of CO<sub>2</sub> per year. As noted above, the scheme would produce 6MW of power, which equates to 1500 homes powered and a reduction of 2580 tonnes of CO<sub>2</sub> per year.

### Description of Site

- 6 The application site comprises part of a large field that forms part of the overall farm holding of Skinner Farm. The existing field as a whole is irregular in shape but the application site comprises a mainly rectangular shape within the field. The field is located at the top of an undulation in the landscape with levels gently rising up to the site from all sides. The site is generally bounded by mature hedging and trees, with some gaps existing.

### Constraints

- 7 The site lies within the Metropolitan Green Belt and a section of the southern part of the site falls within an Area of Archaeological Potential. A public right of way runs through the site and the trees that line the northern boundary of the site are covered by a tree protection order.

### Policies

#### *Sevenoaks District Core Strategy*

- 8 Policies – LO1, LO8, SP1, SP2 and SP1

#### *Sevenoaks District Allocations and Development Management Plan (ADMP)*

- 9 Policies – SC1, EN1 and EN2

#### *Sevenoaks District Local Plan*

- 10 Policy – EN1

#### *Other*

- 11 The National Planning Policy Framework (NPPF)  
12 The National Planning Practice Guidance (NPPG)  
13 Countryside Character Assessment Supplementary Planning Document (SPD)

### Planning History

- 14 SE/14/01270 - Proposed development of a solar park along with all associated infrastructure, substation and ancillary connection works and security fencing. Withdrawn 19.08.14.

### Consultations

#### *Edenbridge Town Council – 12.11.14*

- 15 'Members object to this application as it is detrimental to the Green Belt and do not believe that the documentation provided justifies the special circumstances necessary to allow it. Members do not have confidence that enough efforts to

establish that there are not more suitable better sites within the wider area had been established. Members also believe, due to the close proximity of residential properties, particularly at Medhurst Row, the noise and visual appearance are unacceptable and detrimental to the Green Belt. Members request that, as this application will set a precedent for the district, it should be by Committee rather than by Officer Delegation.'

*Planning Policy Officer – 19.11.14*

- 16 The comments from the Planning Policy Officer are extensive so I refer Members to the file note to read these in full. However, the following summary is worth referring to:
- 17 'In summary, the applicants have now undertaken a sequential site analysis and provided an assessment of potential Very Special Circumstances. The sequential analysis, although not overly detailed, suggests that there are not any suitable brownfield or non-green belt sites within the District. Since the site needs to be in excess of 25 acres, and green belt covers 93% of the District, it is suggested that this is not an unreasonable assumption. In terms of selecting the most suitable green belt land, the site is relatively well connected to the settlement of Edenbridge, it is not in the AONB (which covers over 60% of the District), it is not classified as BMV agricultural land, it does not have any heritage or landscape designations and the applicants have stated that all trees (including TPO trees) will not be affected by the development and there will be additional screening. The Countryside Character Assessment SPD suggests that in the Edenbridge Low Weald Farmlands area, visibility is low over the landscape character area, and therefore the landscape sensitivity is considered to be moderate. The VSC advanced by the applicants relate to the significant scale of renewable energy production from the site, allowing it to be temporarily altered to allow a greater benefit to be realised nationwide. In addition, the land would remain in agricultural use and would benefit from biodiversity and footpath improvements, together with educational linkages. Therefore, it is clearly a case of assessing whether these potential benefits of the scheme are sufficient to constitute the VSC to outweigh harm to the green belt in this location.'

*Environment Agency – 25.11.14*

- 18 'The comments we made previously in relation to the Flood Risk Assessment (Phase 1 Flood Risk Assessment Report, July 2014, reference 2034) still apply.'
- 19 The previous comments received from the Environment Agency stated that they had no objection to the proposal providing a suggested condition is added to any permission granted.

*Natural England – 05.11.14*

- 20 No objection raised – the full response is available online.

*Kent Wildlife Trust – 19.11.14*

- 21 No objection raised subject to the inclusion of conditions on any approval of planning permission – the full response is available online.

*KCC Biodiversity Officer – 10.12.14*

- 22 No objection raised subject to the inclusion of conditions on any approval of planning permission – the full response is available online.

*KCC Highways Engineer – 20.11.14*

- 23 ‘Could the applicants please update the Construction Management Plan to say that all vehicles leaving the site will have their wheels inspected (and cleaned whenever necessary) so that no mud, stones or other detritus will be brought out of the site onto the public highway.
- 24 Can they please also amend the incorrect road numbers in the descriptions of the authorised access route on pages 25 and 26 of the "Planning Application" document. This includes references to the A222, A2028 and B2092.’

*Tree Officer – 06.11.14*

- 25 ‘The proposed site is generally open with no issues for the erection of the proposed solar park. I have noted that the applicant proposes to retain and maintain the boundary hedging as is, which I fully support. I have also noted the existence of mature trees located mainly within the northern section of the field, all of which are protected by TPO number 6 of 1976. I would not like to see any issues arising to warrant the felling of trees at this location, such as shading to the panels at the northern end of the field. Could confirmation that these trees will not be a problem be sought.’

*Environmental Health Officer – 04.11.14*

- 26 ‘I have reviewed the submission and have no objections in respect of this application.’

*Agricultural Consultant – 06.11.14*

- 27 ‘A solar farm on Grade 3b land, which is to be maintained for sheep grazing, would not be a "significant" development of agricultural land in terms of para 112 of the NPPF, in my view.’

*KCC Public Rights of Way Officer – 04.11.14*

- 28 Requested clarification on a number of matters. (To be updated in the late observations)

*Upper Medway Internal Drainage Board – 03.12.14*

- 29 No objection raised subject to the inclusion of a condition on any approval of planning permission – the full response is available online.

*Kent Police Crime Prevention Design Officer – 06.11.14*

- 30 No objection raised and some general crime prevention advice provided – the full response is available online.

*NATS En Route Ltd - (NERL Safeguarding) – 03.11.14*

- 31 No objection raised – the full response is available online.

32 No objection raised.

### Representations

33 Eighty-six letters of representation have been received, seventy-six of which have been received in support of the application. These letters of support have been received from individuals who live within Edenbridge and the surrounding areas as well as those who live further afield, including those who live outside the District.

34 Sixty-four of these letters of support have come in the form of a standard response signed by the various individuals which raises the following points –

- The farm will ensure that clean renewable energy is produced, enough to provide for over 1500 homes electrically annually;
- The solar park will be well-screened from most view points by the existing and proposed planting - including improved ecology;
- Additional screening from the footpath line will protect the landscape and integrate the site into the surroundings;
- The scheme will contribute significantly to the UK's renewable energy target;
- The scheme is temporary and the development will be completely removed at the end of the planning permission; and
- The scheme will offset over 2000 tonnes of CO<sub>2</sub> per year.

35 Ten letters of representation have been received raising objections to the proposal on the following grounds –

- Impact on Green Belt;
- Impact on visual amenities;
- Impact on residential amenities;
- Alternative sites;
- Impact on trees;
- Case law;
- Agricultural land quality;
- Impact on landscape character;
- Noise;
- Inaccuracies in the application;
- Proposed use of the site;
- Proposed planting;
- Increase the risk of crime;
- Impact on heritage assets;
- Generic letter of support;

- Process of considering the application;
- Impact on the public footpath;
- Impact on biodiversity;
- Light pollution; and
- Impact on archaeology.

### **Chief Planning Officer's Appraisal**

#### *Impact on the Metropolitan Green Belt –*

- 36 Paragraph 17 of the NPPF identifies 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these principles is that planning should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy). A further principle is that planning should encourage the effective use of land by reusing land that has been previously developed.
- 37 Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 38 Paragraph 87 of the NPPF states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 39 Paragraph 91 of the NPPF states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 40 In a section under 'Renewable and low carbon energy' of the NPPG it states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
- 41 The NPPG states that particular factors a local planning authority will need to consider as part of such an application include:

- Encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
  - Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013;
  - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use; and
  - the potential to mitigate landscape and visual impacts through, for example, screening with native hedges.
- 42 Policy LO1 of the Core Strategy states, regarding development in locations outside the built up areas, priority will be given to protecting the rural character of the District, and that development will only take place where it is compatible with policies for protecting the Green Belt. Policy LO8 further states that the countryside will be conserved and the distinctive features that contribute to the landscape character will be protected and enhanced where possible.
- 43 Policy SP2 of the Core Strategy states that the Council will support and promote the incorporation of decentralised energy sources including combined heat and power in new development and will support small scale and community-based renewable energy developments where such development does not adversely affect the openness of the Green Belt.
- 44 The starting point for an assessment against Green Belt policy is that the development would be inappropriate. This is because no specific support for the erection of large scale solar arrays, and associated structures, is held within the NPPF under paragraph 91. It is therefore necessary for the Council to consider the case for very special circumstances presented by the applicant, which may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 45 The case put forward by the applicant includes the following matters to be weighed up against the inappropriate nature of the development:
- Other developments approved nationally in the Green Belt and other sensitive designations;
  - The Government's renewable energy targets;
  - Minimal noise disturbance outside of the site;
  - The fact that small animals could continue to graze on the site;
  - Proximity to the national grid;
  - Ecological benefits;
  - What would not be achieved if the application was refused;
  - The impacts of alternative renewable energy sources on the site;



- Education benefits;
  - The temporary use of the land;
  - The involvement of Sustainable Edenbridge;
  - The average quality of the agricultural land;
  - No impact to trees; and
  - Local community benefits.
- 46 The applicant makes reference to a number of applications granted permission in other parts of the country within the Green Belt. It is not made clear, however, what the relevant policies of the local authorities involved are. As noted above Sevenoaks District Council has no policy specific to supporting the creation of large renewable energy developments in the Green Belt that are not community-based. The Council therefore relies on the guidance from the NPPF with regards the assessment of a proposal such as this. However, several references are made both at a national and local level to the protection of the openness of the Green Belt.
- 47 It is also the case that a number of applications for large scale solar farms have been refused by both Local Authorities and by the Inspector for reasons of impact on the Green Belt. Case law on this matter is therefore very much split. I would therefore afford limited weight to current case law.
- 48 The Government's renewable energy targets are reflected in policy held within the NPPF and therefore should be afforded significant weight. These targets, and the policy within the NPPF, apply to the whole country. The NPPF states that this type of development is inappropriate in the Green Belt as the starting point. However, I am not convinced that this open field in the Green Belt is an appropriate site for a solar farm given the fact that many sites within the country will be sited close to existing national grid substations and not within such a sensitive land designation such as the Green Belt. I will go into further detail on this point later in my analysis.
- 49 Although described as temporary, the installation is proposed to be in place for 25 years. This is a significant period of time and so the open character of the Green Belt will be reduced for this period of time. The development would have a permanence in its appearance and impact for many years. I would acknowledge the Governments renewable energy targets. However, these need to be achieved in a manner that complies with all relevant planning policies.
- 50 Noise impact is a matter that needs to be considered under impacts on residential amenity and therefore holds no weight as a very special circumstance.
- 51 I would acknowledge the possibility of the land being retained for an agricultural purpose, in this case the grazing of small animals, for example sheep. I would also acknowledge that the agricultural land is of an average grading. This is a matter that that is referred to by the NPPG and so does not form a very special circumstance.
- 52 I understand any applicants need to locate a development such as this close to a link into the national grid. However, with connections to the grid mainly laid underground I give little weight to the distance of the connection and the impacts

this could have on the Green Belt. I would therefore afford very limited weight to this point.

- 53 Ecological benefits are reviewed in more detail below. I appreciate that the proposed investment in the site would allow for ecological benefits to it. However, if left to be used as agricultural land or left to gain ecological benefits naturally this would be wholly acceptable. I would therefore, again, give this little weight.
- 54 In my view the potential result of refusing the scheme, that is the benefits forwarded by the applicant, would be far outweighed by the requirement to preserve the openness of the Green Belt.
- 55 I would give little weight to the impacts of alternative renewable energy sources being located on the site since the chances of erecting a wind farm or a nuclear power station on this site in the Green Belt are extremely unlikely.
- 56 The further educational research indicated by the applicant, that is the study of the benefits of leaving a field in fallow, could be carried out on any field in the countryside. I would therefore give this point very little weight.
- 57 Although the development is proposed to be sited on the land for a period of 25 years, for this significant period of time the existing open field would become urbanised by the large number of panels spread across it. The temporary use of the site would therefore significantly adversely affect the open character of the Green Belt.
- 58 I would give little weight to the possible benefits to the local community that the proposed development would bring, including Sustainable Edenbridge. The development would not be community-based and would not benefit the local community in terms of the power produced by the solar farm. The power produced by the solar panels would serve the national grid not Edenbridge specifically.
- 59 Finally, the Council would expect the development not to impact trees and so I would give little weight to this matter. The trees to the northern boundary are protected and so this matter is discussed later in my report.
- 60 In addition to the case for very special circumstances, the applicant has submitted a sequential analysis in response to the content of the NPPG. Within this document the applicant has identified the south of the county as the area where this type of development gravitates towards due to the higher levels of sunlight received. The applicant states that they have been investigating a series of sites in the South East where the efficiency of the panels will be at their greatest.
- 61 The next issue for a developer of this type of scheme is to locate substations where capacity is such that it would accommodate a solar park. UK Power Networks responded to a request to connect a large solar panel site to the national grid from the applicant stating that there is no capacity in certain areas, or that the cost to make capacity was too great for a project to be viable. Other locations with potential capacity, including spare capacity near Canterbury and Sevenoaks, were referenced. The applicant provides no further information on the alternative locations. Canterbury falls outside of the Green Belt and partially within the Kent Downs Area of Outstanding Natural Beauty. It is not clear what designation the other locations referred to are constrained by.

- 62 Information as to why Edenbridge and this particular site has also been provided. One reason given for selecting Edenbridge is the 'large amount of green land around the area'. Other reasons include the availability of land and the cost of connection. The conclusion is that, apart from those sites which are within the urban built up area of Edenbridge, all viable sites are located in the Green Belt.
- 63 The applicant then goes on to indicate that they have only assessed previous developed land in the Sevenoaks District and Mid Sussex District. They have also provided a list of alternative sites that have been considered both within the Green Belt and others that fall into the category of brownfield sites. It remains unclear, however, as to why the applicant has selected this site in particular over other sites in the country that are not constrained by the Green Belt, or other national designations, that are equally as suitable.
- 64 This point is highlighted by a heat map supplied by the applicant indicating where areas of national grid capacity exist. The map shows that large areas of the South East retain capacity and would clearly fall outside of the Green Belt. The applicant states that the amount of capacity away from Sevenoaks is very limited without significant improvements to the electrical infrastructure. No indication as to what the implications of these required significant improvements to the electrical infrastructure is provided.
- 65 Finally, the applicant has indicated in their case for very special circumstances that the land would be retained for an agricultural purpose and that the agricultural land is of an average grading.
- 66 The sequential analysis concludes that:
- i) The use of greenfield land is necessary in the absence of commercial roof space and brownfield;
  - ii) There are no alternative sites subject to any less environmental constraints than the selected application site; and
  - iii) The application site would remain in agricultural use, and there will be biodiversity enhancements as part of the proposed development.
- 67 It may be the case that here in the Sevenoaks District the provision of brownfield sites for this type of development would be limited and insufficient commercial roof space exists to provide for such a development. The default would therefore be that a Green Belt site would be required. However, I would not agree with this since I do not believe that the applicant has satisfactorily answered the question as to why the solar farm needs to be located on the application site which forms an open field on the Green Belt and indeed this site in Edenbridge.
- 68 I am also of the view that the applicant has failed to fully demonstrate that there are no alternative sites subject to any less environmental constraints than the selected application site.
- 69 In isolation, the fact that the application site would remain in agricultural use, and that there will be biodiversity enhancements as part of the proposed development would not be sufficient to overcome the significant impact to openness that the development represents on the Green Belt.

- 70 I would acknowledge that in time the proposed solar park would have little impact on the wider landscape character and visual amenities of the area, as a result of the lie of the land, existing screening around the site and additional planting that could be provided.
- 71 However, the site would be very much apparent to those who use the network of public footpaths that pass the site. In the short term, prior to the proposed natural screen establishing itself on site, the appearance of the proposed fencing around the site and the appearance of the panels and associated structures would significantly detract from the visual amenities of the immediate area around the site. Once established, the screen would reduce the appreciation of the open character of the area to those using the public footpaths, particularly the footpath that currently runs in a north-south directly adjacent to the application site. I would therefore conclude that the development would also harm the visual amenities of the area.
- 72 In addition, and as explained above, the cumulative weight given to the case provided by the applicant is limited and in my view would not outweigh the significant impact that the proposal would have on the open character of the area.
- 73 The proposal would not encourage the effective use of land by focussing a large scale solar farm on previously developed or non agricultural land. In addition, the proposed use of the existing agricultural land has not been shown to be necessary.
- 74 The proposal therefore comprises inappropriate development in the Green Belt and fails to comply with the NPPF, the NPPG and policies LO1, LO8 and SP2 of the Core Strategy.

*Impact on residential amenity –*

- 75 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 76 Policy EN2 of the ADMP states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties.
- 77 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 78 The site is situated over 230m from the nearest residential property. This is a significant distance and so no impacts would be exerted on the occupiers of the dwellings in terms of overbearing effect, loss of outlook and loss of light. No one has a right to a view and this matter is not material to the consideration of a planning application.
- 79 Any light pollution or glare from the panels would be directed towards the south given the orientation and angle of the panels. Given the distance of separation of residential properties to the south from the site I do not believe that the

development would impact on residential amenity in terms of light pollution and glare.

- 80 The issue of noise generated by the plant proposed for the site has been raised by a number of representations received. However, the Environmental Health Officer has confirmed that he is satisfied with the submission in terms of potential noise impacts resulting from the development.
- 81 Overall, the development would safeguard the amenities of existing and future occupants of nearby properties. It follows that the proposal accords with the NPPF, policy EN2 of the ADMP and policy EN1 of the Local Plan.

#### Other issues

##### *Impact on listed buildings –*

- 82 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 83 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132).
- 84 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 85 The site would retain a minimum distance of separation of over 300m to the nearest listed building at Medhurst Row Farm to the north. This is a significant distance and would ensure that the development would not have a significant impact on the setting of the listed buildings in the area. In addition, existing buildings and the existence of mature trees and hedging in between the application site and the listed buildings would further detach the application site from these listed buildings meaning impact on the setting of the heritage assets would be further reduced.
- 86 The proposal would therefore conserve the significance of heritage assets in the area in accordance with the NPPF and policy EN4 of the ADMP.

##### *Impact on biodiversity –*

- 87 The NPPF states that development proposals where the primary objective is to conserve or enhance biodiversity should be permitted (para. 118).
- 88 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 89 Neither Natural England nor the Kent Wildlife Trust has raised an objection to the scheme. The Kent Wildlife Trust requests that specific conditions be attached to any approval of planning permission.

- 90 These views are shared by the KCC Biodiversity Officer, who again raised no objection subject to the inclusion of specific conditions.
- 91 The submitted information has recommended a number of ways to provide ecological enhancements within the site. However, as highlighted by the County Biodiversity Officer the applicant has not formally committed to implementing ecological enhancements. Hence the recommendation from the County Biodiversity Officer that a condition requiring a detailed ecological enhancement strategy be requested by way of condition on any approval of planning permission.
- 92 The development would therefore conserve biodiversity on the site in accordance with the NPPF and policy SP11 of the Core Strategy.

*Impact on trees –*

- 93 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).
- 94 The Tree Officer is generally supportive of the application but seeks clarification over possible impacts of the protected trees on the productivity of the solar panels.
- 95 The protected trees that form the northern boundary of the site would remain some 10m from the northern most arrays of solar panels. I am therefore satisfied that these trees would not be affected by the proposed development and no future pressures would arise from the development. Tree protection measures and the method of installation of the security fence along the northern boundary could be requested by way of condition to ensure that no impacts are exerted.
- 96 I am therefore satisfied that the development would not impact these protected trees in accordance with the NPPF.

*Highways matters –*

- 97 The County Highways Engineer has responded to the consultation sent to him requesting minor changes to the Construction Management Plan submitted. Members will be updated on the Highways Engineer's final comments as part of the late observations for the application.

*Surface water drainage –*

- 98 Following submission of a flood risk assessment the Environment Agency has confirmed that they have no objection to the proposal subject to the inclusion of a condition on any approval of planning permission.

*Public right of way –*

- 99 The County Public Rights of Way Officer has responded to the consultation sent to her requesting clarification on a number of matters. Members will be updated on the Public Rights of Way Officer's final comments as part of the late observations for the application.

100 I do not anticipate that any matter arising from these queries would result in a reason for refusal given the fact that as part of the consideration of the previous application, SE/14/01270/FUL, the Public Rights of Way Officer raised no objection to a very similar scheme.

*Impact on archaeology –*

101 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132).

102 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.

103 As part of their response on SE/14/01270/FUL, the County Archaeological Officer previously confirmed that they would raise no objection to the proposal subject to the inclusion of a condition relating to the submission of a programme of archaeological work. Little has changed between the two schemes and so this is something that can again be requested by way of condition.

104 The proposal would therefore conserve the significance of the heritage asset in accordance with the NPPF and policy EN4 of the ADMP.

*Crime –*

105 Kent Police have raised no specific objection to the proposal in terms of the possibility of crime increasing in the area. In addition, advice has been provided relating to crime prevention, which the applicant could be directed towards by way of an informative. With this in mind I do not believe that the development would result in a significant increase in crime in the area.

*Impact on air traffic –*

106 Neither the NATS nor Gatwick Airport has raised any objections to the scheme and so the proposal is acceptable in this respect.

*Generic letter of support –*

107 The vast majority of the letters of representation received have come in the form of a standard letter that has simply been signed by the individual submitting the letter. The relevant weight has been given to each letter given the fact that many of the letters have been received from individuals who do not live in or near Edenbridge or even within the District.

*Process of considering the application –*

108 The Council has followed the statutory procedures in terms of how the application has been considered and so I am satisfied that no errors have occurred in this respect.

*Inaccuracies in the application –*

109 Any inaccuracies or errors contained within the application have not affected my ability to assess the submission in detail or make a fully justified recommendation to the Members of the Committee.

### *Decisions made by other Local Authorities –*

- 110 The applicant has drawn attention to recent decisions taken by Tunbridge Wells Borough Council on similar schemes for solar farms in the Green Belt have resulted in approval being granted for the proposed development. As is the case with all applications of this type, it is down to the authority making the decision as to how much weight is afforded to the circumstances and justification forwarded by the applicant when balancing up the harm the proposed scheme would have on the Green Belt.
- 111 As part of this report I have given my view in balancing up all the issues. However, Members of the Committee are entitled to take a different view on the weighting of the circumstances provided and conclude that there is sufficient justification to allow the development to be carried out.

### *Sustainable development –*

- 112 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
  - specific policies in this framework indicate development should be restricted; or
  - material considerations indicate otherwise.
- 113 In my opinion, the proposed scheme fails to wholly accord with the development plan, and I have explained this in detail above. It follows that the development is not wholly appropriate and there would be adverse impacts in granting planning permission for the development.

### Access issues

- 114 The site would be accessed by vehicles through Skinners Farm to the west of the site along an existing track, which is proposed to link into the internal service track. This arrangement is entirely acceptable.

### **Conclusion**

- 115 I consider that the proposed development would be inappropriate development in the Green Belt that would harm the visual amenities of the area. The case put forward by the applicant has been considered but it is not considered that very special circumstances have been demonstrated to overcome the presumption against inappropriate development. Consequently the proposal is not in accordance with the development plan and therefore the Officer's recommendation is to refuse.



## **Background Papers**

Site and Block plans

Contact Officer(s):

Mr M Holmes Extension: 7406

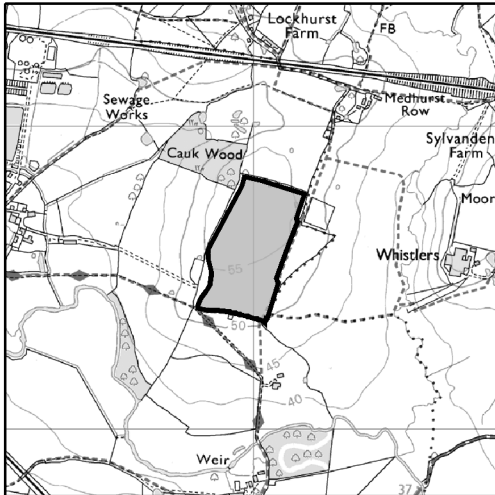
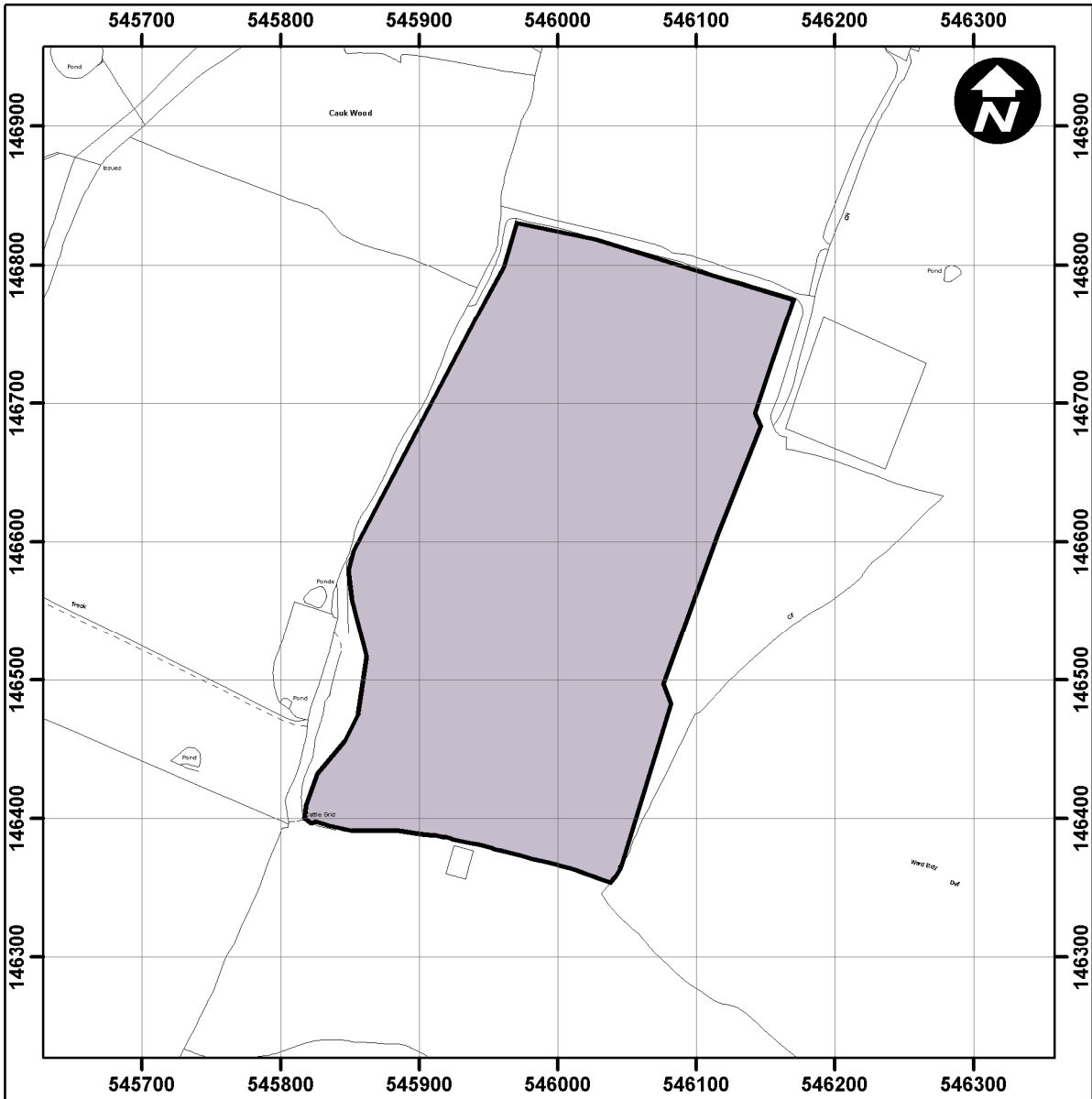
**Richard Morris**  
**Chief Planning Officer**

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NDVY5SBKHIA00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NDVY5SBKHIA00>



# Site Plan

Scale 1:5,000












Date 12/12/2014



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Ordnance Survey 100019428.



**LEGEND**

Panels	
Inverter and Transformer	
Boundary of the Site	
Fence	
Substation	
Client room	
Maintenance Track	
Shading	
15m Buffer	
5m Buffer	
WPD access track	
Ownership boundary	