Officer's Assessment Sheet

Application Number	22/00668/AS
Type	Full planning permission
Location	Land south of M20, Church Lane, Aldington, Kent
Proposal	Installation of a solar farm with a generating capacity of up to 49.9MW comprising: ground mounted solar panels; access tracks; inverter/transformers; substation; storage, spare parts and welfare cabins; underground cables and conduits; perimeter fence; CCTV equipment; temporary construction compounds; and associated infrastructure and planting scheme.
Case Officer	Matthew Durling
Registration Date	27/06/2022
Valid Date	27/06/2022
Consultation Ends	01/03/2024
Deadline Date	30/04/2024
Applicant	Mr J Lyons, EDF Renewables
Agent	Mr I Booker, Engena Ltd.

Environmental Impact Assessment

Is EIA Required: Yes Reason: Schedule 2

RECOMMENDATION

Refuse

Description of Site and Surroundings

1. The application site is located on land south of the M20 to the east of Aldington and west of Sellindge. It comprises approximately 103.9 hectares of land, of which 65.49 hectares would be fenced and 28.8 ha would be required for solar panels and associated infrastructure split broadly across three parcels of land separated by existing railway and roads.

2. The northern parcel of land comprises a single, large arable field located between the M20 to the north and HS1 railway to the south. The land slopes gently down from approximately 70m AOD in the north-west corner adjacent to Park Wood (Ancient Woodland) to approximately 50m AOD in the southeast. Existing vehicular access is via a track running parallel to the M20 and leading to Church Lane to the east.

3. The western parcel lies to the south of the railway and East Stour River and extends across two large arable fields. The land rises gently from the railway (approximately 50m AOD) to a high point on Bested Hill (approximately 73m AOD) and then slopes gently down to the south adjacent to Backhouse Wood (Ancient Woodland) and to Church Lane in the northeast. There is a single mature tree within this parcel. Access to this land is proposed via an existing farm access from Church Lane near to the river crossing.

4. The eastern parcel lies to the east of Church Lane within two fields used for

sheep grazing. The two fields are separated by a hedgerow linking two blocks of broad-leaved woodland; Partridge Plantation and Round Wood (Ancient Woodland). The southern field slopes gently down to the northeast from the southern boundary and the northern fields slope down to create a bowl; the terrain varies between 65m and 55m AOD. Access will be from the southern parcel, via a new crossing over Church Lane and through an existing field gate entrance.

5. The submitted Agricultural Land Classification Assessment determined the majority of the site (85.4%) as comprising moderate quality Grade 3b land and 14.6% comprising best and most versatile Grade 3a land.

6. The local area is predominantly rural in nature and undulating in character, consisting of a mix of woodland and arable and pasture farmland within an irregular field pattern. The fields are bound by a mix of post and wire fencing, hedgerows and woodland blocks. The site is also in close proximity to various pieces of existing and consented energy and transport infrastructure. These include the Sellindge Converter Station and an existing solar farm (comprising a 10.6MW, 16ha solar array) on land known as Partridge Farm adjacent to the north and east of the application site on the opposite side of Church Lane. Bested Hill is oversailed by overhead electricity lines on wooden poles and pylons.

7. The nearest settlements to the site are the villages of Smeeth and Brabourne Lees approximately 400m to the north and beyond the M20 and A20 road corridors and the larger settlement of Aldington approximately 1.3km to the south-west. Of the 7 dwellings within 500m of the site, Bested House and The Paddock are the closest at approximately 150m from the nearest panels. The site is within the open countryside in policy terms and is not allocated for development.

8. There are 4 Public Rights of Way (PRoW) crossing the site and providing wider connections to the PRoW network. Public footpath AE437 runs west from Church Lane along the northern field boundary of the northern land parcel then south across the site and continuing south-west. Public footpath AE432 continues west from AE437 along the northern field boundary before crossing the site in a south-westerly direction. Public footpath AE457 crosses the central land parcel along the south-western corner of Bested Hill. Public footpath AE459 crosses the eastern part of the site from Partridge Farm. Additionally public footpaths AE656 and AE657 run adjacent to the northern and north-western field boundaries of Best Hill.

9. The site is not located within or directly adjacent to any conservation areas and does not include any listed buildings. The site is situated in close proximity to the Kent Downs National Landscape (formally known as the Kent Downs Area of Outstanding Natural Beauty/AONB), which wraps around the north, south and east of the site. At its closest point it lies approximately 1.5km to the south-west.

10. Parts of the site are in Flood Zones 2 and 3.

Proposal

11. The application seeks full planning permission for the installation of a solar farm with an output up to 49.9 Mega Watts (MW) at the point of connection and associated infrastructure including site access tracks, 4 substations (each approximately 6m long, 3m wide and 3m high), 20 inverter/transformer units (each approximately 6m long, 3m wide and 3m high), 3 site cabinets (each maximum 6m long, 3m wide and 3m high), underground cabling, security fencing and CCTV. The solar farm would have an operational lifespan of 40 years and in this respect seeks consent for a temporary period of 40 years.

12. The perimeter of the site would be enclosed by post and open wire deer fencing up to 2.15m high to prevent unauthorised access. There is no requirement for a permanent onsite presence or site wide external lighting; security will be provided via inward facing fence-mounted infrared CCTV.

13. The electricity generated would feed directly into the National Grid via underground cables routed along internal access tracks and Church Lane to the Sellindge Converter Station.

14. It is proposed to utilise three points of access from Church Lane for construction, future maintenance and subsequent decommissioning. The indicative programme suggests the construction phase would entail deliveries over a nine month construction period. Operationally, the site would only have the occasional visit for maintenance purposes. Three temporary construction compounds (maximum 5000sqm each) are required for the construction and decommissioning phases to provide for secure storage, welfare facilities, office accommodation, HGV turning and vehicle parking.

15. All existing PRoW would be retained on their existing alignments.

Environmental Impact Assessment

16. As Environmental Impact Assessment (EIA) development, the planning application is supported by an assessment of the environmental impacts arising from the proposed development in the form of an Environmental Statement (ES) and appendices. Supplementary Environmental Information (SEI) was received in January 2024.

17. The application has therefore been assessed in accordance with the Environmental Impact Assessment Regulations 2017 (the EIA Regulations). The scope of the ES includes the following topics:

- Traffic and Access
- Hydrology and Flood Risk Assessment
- Ecology and Ornithology
- Landscape and Visual Impact Assessment
- Archaeology and Cultural Heritage
- Noise
- Glint and Glare

18. The ES identifies and records the results of assessments of the construction and operational phases and considers the potentially significant environmental effects the proposed development will create. The ES suggests a range of measures to mitigate the identified effects and, where opportunities exist, to introduce improvement measures.

19. I have examined the 'environmental information' and used this information to reach reasoned conclusions on the significant effects of the proposed development on the environment. These conclusions have been incorporated into the relevant sections of this report.

20. In addition, each section includes a description of any features of the development and any measures envisaged in order to avoid, prevent, reduce and, if possible, offset, likely significant adverse effects on the environment. This report also specifies how these measures are to be secured if the application is granted planning permission i.e. through planning conditions and/or planning obligations.

Consultations

21. The application has been subject to two rounds of formal statutory and non-statutory consultation including the display of press and site notices and notification letters sent to occupiers of buildings in the vicinity of the application site.

Ward Member: no response.

Aldington and Bonnington Parish Council (CPC): (September 2022 and February 2024) **object** as summarised below:

- Visual impact from placement of panels on southern slope and crown of Bested Hill;
- Absence of an assessment of land quality submitted with this application to support its selection as a suitable site;
- Inadequate mitigation;
- Harm to setting of listed buildings and conservation area;
- Insufficient information relating to construction compounds and car parking;
- Insufficient information relating to traffic management and mitigation for Church Lane;
- Damage to highways to be made good;
- Traffic assumptions not robust;
- Further information requested in relation to cable routes, welfare cabins, storage areas, lighting, inverter/transformer substations, visibility splays;
- Surface water flooding mitigation required;
- Request for community funding and solar power/battery storage for Aldington Village Hall.

Mersham Parish Council: (October 2022) **object** as summarised below:

- Negative visual impact for those in Mersham;
- Proposal substantially affects the enjoyment of public footpath AE459, although EDF have made provision for hedge planting in the vicinity, there

is nothing that negates the impact on walkers as they walk along the northern part of this path;
- Need to consider cumulative impact with Evolution Power NSIP proposal.

Smeeth Parish Council: (October 2022) **comment** as summarised below:
- Negative visual impact for those in surrounding villages;
- Proposal substantially affects the enjoyment of public footpath AE459, although EDF have made provision for hedge planting in the vicinity, there is nothing that negates the impact on walkers as they walk along the northern part of this path;
- Need to consider cumulative impact with Evolution Power NSIP proposal.

Environment Agency: (August 2022 and March 2024) **no objection** subject to appropriate conditions/notes as summarised below:
- Flood Risk **-** all infrastructure (except access tracks) should be set outside the exclusion zone delineated by a level to be agreed with local planning authority in writing. Development to be carried out in accordance with submitted FRA.
- Note relating to Environmental permit advice.

Historic England: (March 2024) **comment** as summarised below:
- Site located within setting of several designated heritage assets, including Grade I Church of St Martin and Grade II* Court Lodge Farm;
- Development has potential to harm setting; however, without a verified rendered view, the magnitude of harm cannot be fully assessed;
- Panels could harm the longstanding visual tie between the agricultural settlement and the rural landscape by obscuring some of the fields which contribute to the setting's significance;
- Very little impact on the significance of setting and long views of the scheduled Bronze Age Cemetery on Barrowhill to the east of the site;
- In its current iteration, we would consider the harm of the development to be 'less than substantial' in terms of the NPPF. However, we cannot yet be precise about where the harm falls within the spectrum of less than substantial;
- Historic England has concerns regarding the application on heritage grounds. We recommend that further work is needed to meet the requirements of paragraphs 196 and 200 of the NPPF.

Kent County Council Archaeology Advisor: (August 2022) **further information required** prior to determination as summarised below:
- Assessment of the significant archaeology located during the evaluation including area plans showing the relationship of remains to each other to give spatial understanding;
- A reasonable, evidence based interpretation of the findings and statement of significance;
- An impact assessment;
- A clear, detailed proposal for mitigation of the archaeology.

Kent County Council Ecological Advisor: (August 2022 and April 2024) **further information required** prior to determination as summarised below:
- Request further information relating to potential impacts on Badgers and mitigation strategy for Breeding birds and Brown Hare;

- Recommend conditions to secure a Construction Environment Management Plan, ecological enhancements and Landscape and Ecological Management Plan.

Kent County Council Flood and Water Management: (August 2022 and February 2024) **no objection** subject to conditions to secure detailed surface water drainage scheme and verification report.

Kent County Council Highways and Transportation: (February 2024) **objection** as summarised below:

- The CMP routing details HGV deliveries direct to all site locations. This would actually involve going under two bridges with height restrictions (3.8m) which would not allow passage of such vehicles. Clearly this is unacceptable, and the delivery strategy needs to be revised.

Kent County Council Minerals and Waste Planning Policy: (February 2024) **object and note further information (Minerals Assessment) required** prior to determination.

Kent County Council Public Right of Way: (March 2024) **comment** as summarised below:

- The following Public Rights of Way are affected by the site: Public Footpaths AE437, AE432, AE457, AE459 all connecting to the wider PROW network in the area. Public Footpaths AE656 and AE657 are in close proximity. The PROW network at this location is also impacted by the proposed NSIP Stonestreet Solar Farm, as well as the proposed Otterpool Garden Village within Folkestone and Hythe, and therefore the connectivity of these routes must be seen through the cumulative impact on the area;
- There remains an overall underestimation of the significance of the effect of the development and the impact on both the physical resource and the amenity value of the public rights of way as well as the mitigation proposed (new hedgerow planting) remaining insufficient. As previously stated, KCC PROW and Access would expect enhancements to the network in addition to mitigation, compensation, and management strategies that will ensure that the public; residents and visitors alike, retain the quantity and quality of access provision.
- Clarification required relating to site access during construction and operation and management of PROW; Omission of sufficient detail regarding PROW long term within site during operation - note the widths proposed but no detail of surface; Impact on Non-mechanical use of rural lanes during construction; Mitigation proposed in terms of planting new vegetation is still insufficient.
- KCC PROW and Access consider the development will have a significant impact on the network and a loss of visual amenity for users of PROW.

Kent Downs AONB Unit: (November 2022 and February 2024) **comment** as summarised below:

- Consider magnitude of impact from PROW AE496 under assessed in the LVIA; however in view of the distance from the National Landscape boundary and relatively limited visibility of the proposal from the Kent Downs NL to the south, it not considered that the proposal would result

in significant or unacceptable impacts on the setting of the Kent Downs National Landscape.

Kent Police: (August 2022) **comment** and request planning condition is included as part of the planning approval to ensure that Crime Prevention is addressed effectively in this proposal.

Natural England: (September 2022 and March 2024) **no objection.**

National Highways: (August 2022 and February 2024) **no objection** subject to conditions to secure Boundary details, Construction Transport Management Plan, Decommissioning Works.

Network Rail: (March 2024) **no objection** subject to informatives requiring the applicant / developer to engage Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing.

River Stour Internal Drainage Board: (October 2022) **comment** as summarised below:

- Efforts should be made to replicate 'greenfield' surface water discharge conditions, with regard given to drainage routes, flow rates and discharge volumes. Disposal of water via infiltration should be used wherever conditions permit, with all surface water managed as close to source as possible;
- Formal Land Drainage Consent should be sought for any works whatsoever within 8m of any watercourse within Drainage District.

ABC Environmental Protection: no objection subject to conditions/informatives relating to construction hours, burning of waste and minimising dust emissions.

Kent Ramblers (August 2022) **comment** as summarised below:

- Welcome the EDF decision to preserve the existing footpaths which pass through the proposed site, AE432 north of the railway and AE459 south;
- Approve the proposed stock-proof fencing rather than the "prison type" metal fencing used in some other solar farms;
- Pleased that "Existing Prows will remain accessible during the construction phase and be fenced off from the construction site";
- Concern regarding construction-related impact on Church Lane and welcome opportunity to agree construction management arrangements;
- Request stiles are replaced by kissing gates and that all entry and exit points are open or gated in a user-friendly way for less able walkers;
- Request further information on path maintenance.

Church Lane Group: (August 2022 and March 2024) **object** as summarised below:

- Visual impact of development on south slope of Bested Hill from the designated Landscape Character Area on Aldington Ridgeline to the south on footpath AE474 close to St Martin's Church and the Conservation Area;
- Inadequate and inaccurate LVIA;
- Recommend layout is amended to reduce impacts on designated landscapes;

- Recommend additional landscaping to mitigate impacts on designated landscapes;
- Unacceptable individual and cumulative highways impacts on Church Lane;
- Request for temporary road closure of Church Lane;
- Inadequate mitigation for users of Public Rights of Way (PRoW) AE459 - recommend creation of a 10m wide grassed area and planting of indigenous species hedges either side;
- Recommendations regarding content of LEMP and request for Kent Wildlife Trust (KWT) input;
- Community fund offer requires further information/negotiation.

Neighbours – 70 objections (including some multiple objections from same residents in response to multiple consultations) have been received, as summarised below:

Objections/comments:
- Preference should be given to brownfield sites and roof-top installations;
- Preference for other renewable energies, including offshore wind;
- Challenge site selection process;
- Loss of good grade agricultural land;
- Impact on food security and supply;
- Harm to rural farming community;
- Land degradation from shadows and rainwater run-off;
- Environmental harm from inability to recycle solar panels;
- Development should be considered a NSIP;
- Object to scale and siting;
- Development would be prominent from surrounding open countryside;
- Harm to rural and historic landscape character;
- Harm to Bested Hill, prominent local landmark;
- Harm to rural views;
- Harm to setting of Kent Downs AONB;
- Cumulative impact of energy infrastructure in this location;
- Harm to setting and enjoyment of PRoW;
- Inadequate and ineffective landscape mitigation, including to PRoW;
- Challenge conclusions of LVIA;
- Substantial individual and cumulative harm to settings and enjoyment of designated heritage assets;
- Harm to conservation area;
- Further details required relating to location/colour of infrastructure;
- Inadequate construction management plans;
- Church Lane to be returned to pre-construction condition;
- Existence of low and weight restricted bridges not addressed;
- Disruption to Church Lane residents;
- Impact from noise and dust;
- Harm from glint and glare;
- Increased risk of flooding;
- Impact on tourism;
- Impact on wildlife and habitats;
- Individual and cumulative harm to setting of Backhouse Wood;
- Ongoing biodiversity/habitat survey work required to ensure BNG delivered;

- Development will result in land and water contamination;
- Contrary to local and national planning policy;
- Query battery storage requirements;
- Query local job creation throughout development;
- Query panel efficiency in context of global warming;
- Query enforcement provisions;
- Query proposals for decommissioning;
- Inadequate compensation to local residents and community;
- Impact on property values;
- Inadequate consultation;
- Absence of community engagement.

Planning Policy

22. The Development Plan for Ashford Borough comprises;-

(i) the Ashford Local Plan 2030 (adopted February 2019),
(ii) the Chilmington Green AAP (adopted July 2013),
(iii) the Wye Neighbourhood Plan (adopted March 2016),
(iv) the Pluckley Neighbourhood Plan (adopted April 2017),
(v) the Rolvenden Neighbourhood Plan (adopted December 2019),
(vi) the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021)
(vii) the Egerton Neighbourhood Plan (adopted March 2022)
(viii) the Charing Neighbourhood Plan (adopted July 2023)
(ix) the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).

23. Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:

(i) Tenterden Neighbourhood Plan currently at Examination.
(ii) Pluckley Neighbourhood Plan Review currently at Examination.
(iii) Aldington & Bonnington Neighbourhood Plan currently at Examination.

24. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Local Plan 2023 (ALP)

SP1 Strategic Objectives
SP6 Promoting High Quality Design
TRA7 The Road Network and Development
TRA8 Travel Plans, Assessments and Statements
TRA9 Planning for HGV Movements
ENV1 Biodiversity
ENV3a Landscape Character and Design
ENV3b Landscape Character and Design in the AONBs
ENV4 Light pollution and promoting dark skies

ENV5 Protecting Important Rural Features
ENV6 Flood Risk
ENV9 Sustainable Drainage
ENV10 Renewable and Low Carbon Energy
ENV13 Conservation and Enhancement of Heritage Assets
ENV15 Archaeology
IMP1 Infrastructure Provision

Kent Minerals and Waste Local Plan (2013 to 2030) as amended by the Early Partial Review (adopted 2020)

DM7 – Safeguarding Mineral Resource

25. The following are also material considerations to the determination of this application:-

Supplementary Planning Guidance/Documents

Sustainable Drainage SPD 2010
Sustainable Design and Construction SPD 2012
Public Green Spaces and Water Environment SPD 2012
Renewable Energy Planning Guidance Note 2 2013
Landscape Character SPD 2011
Kent County Council Updated Mineral and Waste Safeguarding Supplementary Planning Document 2021

Other Guidance

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 ABC. The Management Plan sets out aims and principles for the management of the AONB. The Management 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. It 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 Renewable Energy Position Statement (September 2008 Updated April 2010 and June 2011

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

National Planning Policy Framework (NPFF) Revised 2023:

26. 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:-

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision-making
Chapter 6 - Building a Strong, Competitive Economy
Chapter 8 – Promoting healthy and safe communities
Chapter 11 – Making effective use of land
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

National Policy Statements (NPS) (January 2024)

Paragraph 5 of the NPPF makes clear that NPS may be a material consideration when making decisions on planning applications.

Revised 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 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 Government's 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.

Revised 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.

Planning Practice Guidance (PPG):

The PPG 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 PPG 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;
- 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;

- 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.

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.

HM Treasury National Infrastructure Strategy 2020:

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.

Assessment

27. The key areas for consideration are:

(a) Principle of development;
(b) Landscape and visual impact;
(c) Heritage impacts;
(d) Ecology and biodiversity;
(e) Highway impacts;
(f) Residential amenity impacts;
(g) Flooding and drainage;

(h) Groundwater/land contamination.

28. I deal with each of these within the sub-sections below:

(a) Principle of development

29. The Climate Change Act of 2008 and subsequent amendment sets a legal requirement of the Secretary of State to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero, by 2050. 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, including 4GW per year of solar energy production.

30. The NPPF sets out a proactive approach towards the provision of renewable energy development to meet aims to reduce greenhouse gas emissions and meet renewable energy targets. Contained within the key overarching objectives of the NPPF to achieve sustainable development is the environmental objective of mitigating and adapting to climate change including moving to a low carbon economy.

31. Chapter 14 of the NPPF sets out the national planning policy with regards to climate change, flooding and coastal change. In paragraph 152 this requires the planning system to support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure. Paragraph 158 adds that applications for renewable energy development are not required to demonstrate the overall need for renewable energy. It also requires applications to be approved where its impacts are (or can be made) acceptable.

32. Paragraph 182 relates to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. Development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated area.

33. 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.

34. At a local level, Chapter 2 of the ALP sets out the vision for Ashford borough in 2030. Part of this vision relates to the need to adapt to and mitigate against, the effects of climate change stating that a positive approach will be secured by (amongst other things) promoting sustainable energy technologies.

35. Policy SP1 of the ALP sets out the strategic vision for the borough and contains certain criteria that provides core principles that planning applications are expected to adhere to. Criterion I seeks to ensure that new development

is resilient to, and mitigates against the effects of climate change by promoting development that minimises natural resource and energy use.

36. Policy ENV10 of the ALP sets out how proposals for renewable and low carbon energy generation will be considered by the Council. Policy ENV10 states that planning applications for proposals to generate energy from renewable and low carbon sources will be permitted provided that:

a) The development, either individually or cumulatively does not result in significant adverse impacts on the landscape, natural assets or historic assets, having special regard to nationally recognised designations and their setting, such as AONBs, Conservation Areas and Listed Buildings;
b) The development does not generate an unacceptable level of traffic or loss of amenity to nearby residents (visual impact, noise, disturbance, odour);
c) Provision is made for the decommissioning of the infrastructure once operation has ceased, including the restoration of the site to its previous use; and,
d) Evidence is provided to demonstrate effective engagement with the local community and local authority.

37. Whilst Policy ENV10 does not specifically preclude development in the setting of the AONB, the preamble refers to the AONB's Renewable Energy Position Statement stating that it would be '*extremely unlikely that any location can be found in or within the setting of the AONB where field- scale solar PV arrays, such as solar farms, does not have a significant adverse effect on the landscape'*.

38. The preamble to Policy ENV10 also references the Council's renewable energy planning guidance notes. These notes were prepared to assist applicants in bringing forward domestic and medium scale solar PV arrays, as well as large scale solar PV arrays, such as solar farms. Guidance Note 2 relates to larger scale solar projects with a generating capacity in excess of 50kW.

39. Objective GP1 of the Council's Corporate Plan sets out a commitment to reducing the reliance on fossil fuels in line with the Council's carbon neutral targets. The Council's Carbon Neutral Strategy and Action Plan further endorses this objective by stating in Priority 3 that this would be achieved by increasing renewable energy generation and consumption.

40. The site lies within the Parish of Aldington and the Aldington and Bonnington Neighbourhood Plan (A&BNP) is relevant. The Plan is currently under examination and can therefore be afforded moderate weight in the decision making process. Policy AB10 (Renewable and Community Energy) of the A&BNP relates to commercial scale solar development. Part A broadly supports such development where it meets the requirements of Policy ENV10 of the ALP and complies with a number of other criteria as will be assessed in the relevant sections below.

41. A further material consideration in the determination of planning applications is National Policy Statements (NPS) for the delivery of major energy infrastructure as set out further above. Whilst NPS primarily relate to nationally significant renewable energy infrastructure projects, the principles of EN-1 are material to smaller renewable energy projects such as this insofar as it establishes the urgent need for new electricity generating capacity to meet the Governments energy objectives, and, as I have identified, NPS represent material considerations.

42. EN-1 sets the Government's aim to move towards a secure low-carbon energy system which requires significant investment in new technologies to deliver these aims, to deliver a long-term strategy for low carbon energy provision, such as solar energy, and to deliver less reliance on fossil fuel consumption. Energy provision is vital to economic prosperity, and social well-being, and is essential to ensure that the UK has secure renewable energy.

43. EN-3 confirms that the '*government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector*…'

44. 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 commitment 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' support the principle of large scale (>50MW) solar photovoltaic generation whilst recognising that such projects will inevitably have impacts, particularly if sited in rural areas and such impacts will need careful consideration.

45. In addition, the ALP and adopted Council planning guidance together with the Council's Corporate Plan, Carbon Neutral Strategy and Action Plan 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 assessment).

46. Therefore, in the light of the above it is considered that there is a demonstrable policy drive from both planning and other legislative documents to deliver renewable energy as a matter of principle. The proposal is anticipated to generate up to 49.9 MWh and as stated in the SEI is estimated to provide sufficient electricity to power approximately 17,000 homes annually.

47. I conclude that there is no objection to the proposal for this temporary development as a matter of fundamental land use planning principle and I give the renewable energy benefits that would arise from the proposal substantial weight. Notwithstanding, the need for renewable energy does not override other material planning considerations and the proposal must be considered against relevant policies in the ALP and emerging A&BNP and demonstrate that the proposal would not result in adverse impacts that would

outweigh the energy generation benefits of the proposal. These matters are assessed below.

- **Minerals Safeguarding**

48. Parts of the application site fall within a Mineral Safeguarding Area (for Hythe Formation Kentish Ragstone and the Sub-Alluvial River Terrace Deposits) as identified on the 'Ashford Map' which accompanies Policy CSM5 'Land-won Mineral Safeguarding' of the KMWLP 2013-30 (Early Partial Review 2020).

49. The County Minerals Waste Policy team note that of the two safeguarded minerals the Sub-Alluvial River Terrace Deposits are only very marginally potentially affected, and can therefore be considered as *de minimis*. However, development on larger parts of the site, including Bested Hill, threaten the Hythe Formation deposits with sterilisation and should be subjected to a Minerals Assessment.

50. In the absence of a Minerals Assessment or any reference to national or local planning policy for land-won mineral safeguarding, it is not possible to determine if the safeguarded mineral deposit is being needlessly sterilised by the development proposed, and if not whether an exemption to mineral safeguarding pursuant to Policy DM 7: Safeguarding Mineral Resources of the KMWLP 2013-30 (Early Partial Review 2020) can be invoked.

51. I am not satisfied that mineral safeguarding issues have been suitably considered contrary to relevant planning policy.

- **Impact on best and most versatile (BMV) agricultural land**

52. Paragraph 180 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment, including by '*recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*'. The NPPF explains in its glossary at Annex 2 that BMV equates to land falling within Grades 1, 2, and 3a of the Agricultural Land Classification. There are no policies within the ALP relating to BMV, albeit Appendix 6 (Monitoring Framework) refers to Grade 1 and 2 agricultural land as 'high grade' agricultural land.

53. NPS EN-1 and EN-3 state that land type should not be a predominating factor in determining the suitability of the site location. Whilst solar development is not prohibited on BMV agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification), where it is shown to be justified then proposals should seek to minimise impacts on it and preferably use land in areas of poorer quality (grades 3b, 4 and 5). Policy ENV10 of the ALP does not refer to BMV land or prevent the loss of agricultural land for renewable energy development.

54. Section g) of ABC's Guidance Note 2 seeks to steer large scale solar

developments to previously developed land/brownfield sites, contaminated land or industrial land. However, it acknowledges that there are few sites of appropriate status and size within the borough. The guidance states that large scale solar PV arrays should therefore seek to avoid landscapes designated for their natural beauty, sites of acknowledged/recognised ecological/archaeological importance/interest whilst recognising that it is likely that such development will look to land currently in agricultural use. The guidance therefore seeks that development should be located on poorer quality land.

55. Section h) of Guidance Note 2 goes further to state that the Council will not normally support development that would result in the loss of Grade 1 and 2 agricultural land stating that the best quality agricultural land should be used for the purposes of agriculture. If development is proposed on Grade 1 and 2 agricultural land the applicant must provide clear justification demonstrating the benefits the development would have for the land to be taken out of full agricultural use. I am mindful that the Guidance Note was published in 2013 and has in many respects been superseded by local and national planning policy and guidance.

56. Criterion (vi) of emerging Policy AB10 of the A&BNP requires proposals to demonstrate how land beneath or surrounding panels will be managed and how the applicant has avoided land with high potential for agriculture ('Best and Most Versatile Land').

57. The ES includes a chapter on existing site conditions and an Agricultural Land Classification Assessment that identifies the grading of agricultural land within the application site. The report identifies the majority of the site (85.4%) as comprising moderate quality Grade 3b land and 14.6% comprising best and most versatile Grade 3a land.

58. The ES states that the developer intends to manage the grass under the solar arrays through grazing with livestock, as per the practice at the existing adjoining solar farm. It also notes that the BMV land does not encompass large parts of any single field parcel thereby facilitating efficient use for farming and that the proposed solar farm would occupy land within the site for a temporary period of 40 years, after which all of the land would return wholly to agricultural use.

59. The development would result in a loss of BMV land, albeit this would comprise a small part of the overall land take and would be at the lower end of the BMV range. I am mindful that the development would allow for the continued use of the land for agriculture and whilst 40 years is a long period of time it is not permanent. I note Natural England is satisfied the development is unlikely to lead to significant permanent loss of BMV agricultural land as a resource for future generations. The ES also identifies benefits from the development for the soil condition and structure. While the use of higher quality agricultural land is discouraged, it is not precluded by national policy. In conclusion, I am satisfied the impact on BMV land would not be unacceptable.

60. I note that a number of objections refer to the impact of the proposal on the nation's food security; however there are no national or local policies, guidance or strategies that relate to food security and production. It is relevant that the specific way agricultural land is used is not a matter that is subject to planning controls and whilst part of the land has formally been in arable production there is no requirement for agricultural land to be used to produce food. I am satisfied that the proposed use of the land would not be detrimental to the nation's food security.

(b) Landscape and Visual Impacts

61. At a national level, Section 15 of the NPPF (Conserving and Enhancing the Natural Environment) is concerned with protecting the landscape and scenic value of the countryside. Paragraph 182 of the NPPF relates to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. It states that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated area.

62. At a local level, Policy SP1 of the ALP seeks to conserve the borough's natural environment including designated landscapes. Policy ENV3a requires all development proposals to demonstrate particular proportionate regard to landscape characteristics according to the landscape significance of the site and Policy ENV3b is relevant to proposals affecting the setting of AONBs. Policy ENV5 requires all new developments in rural areas to protect and where possible enhance: ancient woodland and semi-natural woodland, river corridors and tributaries; Public Rights of Way and other local historic or landscape features. Policy ENV10 states that in order to be acceptable, proposals should not result in significant adverse impacts on the landscape, natural assets or historic assets, having special regard to nationally recognised designations and their setting, such as AONBs.

63. Policy AB10 of the emerging A&BNP is also relevant; criterion (i) requires an application to demonstrate that any harm to the local environment will be minimised and, where necessary, mitigated.

64. The importance of local topography in assessing whether large scale solar farms could have a damaging effect on the landscape, is specifically addressed in the PPG on Renewable Energy which recognises that '*The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes.*' The PPG also specifically notes that a factor to consider in assessing the acceptability of planning applications for solar energy proposals is the impact on protected areas such as AONB's. This provides an additional layer of detail to that provided in the NPPF which, in respect of applications for renewable energy, states that applications should be approved '*if its impacts are (or can be made) acceptable*'.

65. The ES includes a chapter on Landscape and Visual Impact and is supported

by a Landscape and Visual Impact Assessment (LVIA). The LVIA assesses the likely effects of the proposed development in terms of landscape and visual amenity at end of construction and 10 years post construction.

66. The original LVIA was independently reviewed by Landscape Management Services (LMS) on behalf of the Council. LMS raised a number of areas of concern, including relating to the lack of a clearly defined methodology to inform an understanding of the conclusions and judgements reached. LMS concluded that the evidence base was inadequate, in particular there was a lack of representative views and identification of visual receptors (in particular PRoW). There was a lack of assessment of cumulative effects, in particular with regard to the neighbouring NSIP scheme and a lack of evidence as to how the assessment has informed the design process and mitigation. Finally, the conclusions (in particular with regard to visual amenity) were found to lack detail and to exaggerate the anticipated benefits of mitigation.

67. The applicant submitted a response and further information in the form of Supplementary Environmental Information (SEI) including a Written Statement and updated Figures and Visualisations. These have also been independently reviewed by LMS on behalf of the Council.

68. The SEI includes an updated methodology that is more consistent with best practice guidance, including the Guidelines for Landscape and Visual Impact Assessment (GLVIA), Third Edition (The Landscape Institute/IEMA - April, 2013). It also includes revised mitigation including additional native hedgerow planting or hedgerow enhancement.

Landscape effects

69. The landscape character of the site is identified in the LVIA with reference to national, regional and local level character area designations. The site lies within National Character Area (NCA) 120: Wealden Greensand. The key characteristics include its ‘overall undulating and organic landform’, and notes that in the east of Kent it ‘has a gentler and more open aspect than in the wooded west’. It notes the ‘fields are predominantly small or medium, in irregular patterns’, and ‘agricultural land comprises a mosaic of mixed farming, with pasture and arable land set within a wooded framework’. The NCA also references ‘the rural settlement pattern is a mixture of dispersed farmsteads, hamlets and some nucleated villages’. The NCA recognises that the east of Kent is ‘also more marked by development, with the presence of major towns and communication corridors such as the … M20 motorways and railway lines’.

70. At a regional level the majority of the site lies within the Upper Stour Valley LCA. The characteristic features of the Upper Stour Valley LCA includes the flat, open valley landscape and mixed farming. It is identified as having low to high sensitivity. A small part of the northern parcel lies within the Mersham Farmlands LCA which is identified as an ‘open, undulating farmed landscape

of predominantly large arable fields…'. It is identified as having low to high sensitivity.

71. At a local level the southern and eastern parcels of the site lie within the East Stour Valley LCA (ABC Landscape Character SPD, 2011). The key characteristics include the 'well vegetated East Stour River cuts through the valley with land rising to Bested Hill in the north', 'mosaic like pastoral field pattern' and 'mixed and broadleaf woodland blocks. It is identified as in moderate condition and of high sensitivity. The overall guidelines for the area are to conserve and restore the landscape. The northern parcel lies within the Evegate Mixed Farmlands LCA. The key characteristics include 'undulating topography', 'intensively farmed landscape with small pockets of pasture', 'comprehensive network of tree cover' and 'fragmentation caused by major infrastructure routes' and 'large electricity substation'. It is identified as in overall poor condition and with low sensitivity. The overall guidelines for the area are to improve the landscape, including by avoiding development on higher, most visible ground.

72. I concur with LMS's view that the LVIA contains very limited description of the landscape characteristics of the site. Of particular note is the absence of consideration of 'landscape fabric', defined in the relevant methodology as 'the landscape features and elements on the site'. The submission contains no real baseline assessment of landscape elements (or of landscape qualities) reflected by the site itself which would inform an assessment of sensitivity. It also provides only limited analysis of the degree to which the land affected by the proposals reflects the key characteristics of the various landscape character areas within the published assessments referred to above.

73. In the absence of a detailed analysis of the baseline conditions and representativeness of the site itself in a landscape character context it is difficult to inform an assessment of sensitivity or understand the assessment of effects. In my opinion, the LVIA is too generalised and insufficient as an analysis of effects on the landscape features and qualities of the site itself.

74. Notwithstanding the above, the LVIA concludes there would be no significant effects on landscape fabric as a result of the construction phase, a beneficial effect on landscape fabric (arising from mitigation landscaping) during the operational phase and a negligible effect during decommissioning. I consider this in more detail below.

- **Landscape impact on the site**

75. The LVIA assesses the effects on the landscape character of the site as not significant during the construction phase (temporary and short-term). The LVIA predicts a significant adverse (long term but temporary) effect from the development during the operational phase, which would diminish over time as the landscaping becomes established and a significant beneficial effect from

eventual decommissioning.

76. Notwithstanding the absence of a detailed analysis of the baseline conditions and representativeness of the site itself in a landscape character context which is required to inform an assessment of sensitivity and understand the assessment of effects, the proposals would result in a dominance of solar panels and associated infrastructure across much of the existing site occupied by arable and pasture land which would result in long term change of land cover and land use and overall landscape character.

77. In my opinion, the mitigation planting would be unlikely to sufficiently diminish the impacts on overall land use and character to reduce long term effects on the site as predicted.

- **Landscape impact on LCAs**

78. On the basis of the LVIA's analysis of the medium/low sensitivity of the Evegate Mixed Farmlands LCA the viewpoint analysis (viewpoint 1) predicts a moderate+ adverse effect on landscape character. The LVIA notes this may equate to a significant adverse effect if experienced over a greater local area which I consider it would. The combined introduction of this proposal and the NSIP proposals into parts of this LCA would further extend the alteration of the landscape character from rural to developed, with significant adverse cumulative effects on landscape character occurring through parts of the LCA including south of the rail line and areas in the vicinity of Park Wood, including across parts of both proposed sites. Significant cumulative effects are therefore predicted.

79. The LVIA has determined the sensitivity of the East Stour Valley LCA as high/medium 'with features and special qualities of local value'. In close views, the viewpoint analysis predicts major adverse (viewpoint 3) or major/moderate (viewpoint 2) adverse (significant) effects on landscape character at end of construction. The LVIA states that mitigation planting will assist in limiting the adverse effects on landscape character and predicts no effect at 10 years post construction (viewpoint 2) and a moderate+ (potentially significant) effect on landscape character at viewpoint 3. In my opinion, the siting of panels across Bested Hill would result in long term impacts on land cover, land use and overall character and the effects of the proposed development are therefore underplayed. In my opinion, the mitigation planting would be unlikely to sufficiently diminish the impacts on overall land use and character to reduce long term effects on the LCAs to one of no effect at viewpoint 2.

80. At viewpoint 4 the LVIA identifies moderate/minor+ adverse (not significant) effects on the LCA at end of construction reducing to no effect at 10 years post construction. Across the northwest corner of the LCA at the boundary between the proposed scheme and the NSIP scheme, some significant adverse cumulative effects on landscape character are anticipated, predominantly over the initial years of the two developments prior to mitigation

planting proposals for both schemes establishing.

81. The LVIA has assessed the sensitivity of the Upper Stour Valley LCA as medium and viewpoint 5 (Harringe Lane) shows Bested Hill as high ground in in the view. The panels sited across Bested Hill would be clearly visible in this view; the end of construction and 10 years post construction effects on the LCA are predicted as moderate/minor adverse (not significant). The CLVIA notes the position of this and the NSIP proposals adjoining each other would result in combined effects on landscape character in this area that would be adverse, significant and cumulative.

82. Large parts of the site would also be visible from the Aldington Ridgeline LCA which is identified as high/medium sensitivity (viewpoints 6 and 7) and the LVIA identifies moderate adverse (potentially significant) effects at the end of construction reducing to moderate/minor+ adverse (not significant) effects at 10 years post construction from both viewpoints. The southern slope of Bested Hill features prominently in these open views from the ridgeline with the Kent Downs AONB in the background; the importance of these views is recognised in the emerging A&BNP which requires consideration to be given to 'how the site will be viewed from all parts of the neighbourhood area, in particular the ridgeline'. The solar panels would have an element of reflectivity which would make them more noticeable and industrialising features in these landscape views that would be incompatible with the rural surroundings. I do not concur that the development would be seen in the context of other large infrastructure elements or that the magnitude of change would reduce over time to slight adverse from this view.

83. An assessment of cumulative impacts has been undertaken from viewpoint 7 and this predicts a major/moderate adverse (significant) effect on landscape character from this location from all developments (scenario 3) and moderate (potentially significant) effect on landscape character from scenario 2 (excluding the NSIP scheme).

84. Viewpoint 8 is located south of viewpoints 6 and 7, also within the Aldington Ridgeline LCA. The landscape character effects are predicted to be minor+ adverse (not significant) from this location. Longer distance landscape effects are identified as moderate/minor+ adverse (not significant) from viewpoints 9 and 10, and moderate/minor adverse (not significant) at viewpoint 12.

- **Impact on the setting of the AONB**

85. The Council has a statutory duty under the Levelling-Up Regeneration Act 2023 such that '*in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'* This is considered to be a strengthening of the former duty of 'having regard' to AONBs under the Countryside and Rights of

Way Act (2000). In November 2023, AONBs were technically renamed 'national landscapes' but, for the purposes of this report and clarity, the term AONB is referenced further below. At its closest point the Kent Downs AONB lies approximately 1.2km to the south and 3km to the north. The Kent Downs AONB Unit note that there is likely to be intervisibility of some of the site from the AONB and the proposal could also impact on views towards the AONB. As such, the site is considered to lie partially within the setting of the Kent Downs AONB.

86. The Management Plan defines the key qualities of the Kent Downs AONB setting as follows:

"The setting of the Kent Downs AONB is broadly speaking the land outside the designated area visible from the AONB and from which the AONB can be seen, but maybe wider when affected by intrusive features beyond that. The setting of the Kent Downs is not formally defined or indicated on a map. The setting of the AONB landscape should be distinguished from the setting of listed buildings and other heritage assets (on which there is legislation and policy in the National Planning Policy Framework and elsewhere). Proposals which will affect the setting of the AONB are not subject to the same level of constraint as those which will affect the AONB itself. The weight to be afforded to setting issues will depend on the significance of the impact. Matters such as the size of proposals, their distance, incompatibility with their surroundings, movement, reflectivity and colour are likely to affect impact. Where the qualities of the AONB which were instrumental in reasons for its designation are affected by proposals in the setting, then the impacts should be given considerable weight in decisions."

87. The LVIA concludes there would be extremely limited potential visibility from the southern section of the AONB with no significant effects on landscape character (viewpoint 8). The LVIA does acknowledge potential visibility from the top of the scarp slope in the northern section of the AONB, however by reason of the distance of over 4.6km, the development would appear barely discernible (viewpoints 9-12) with moderate/minor+ or lower adverse (not significant) effects predicted. The LVIA concludes no significant effect on the setting of the AONB. The Kent Downs National Landscape Unit concur that the proposed array would be largely absorbed into the landscape from these views.

88. The Kent Downs AONB Unit note the photomontage prepared from PROW AE496 demonstrates there would be more of an impact from this direction, partly as a result of the closer proximity and partly due to the fact the array would be facing the receptor. While mitigation planting would help reduce impacts by Year 10, by effectively screening the array on the east side of Church Lane, the array on the west side of Church Lane, on Bested Hill, would remain apparent in views, due to the higher topography of this part of the site. Although they consider the magnitude of impact to be under-assessed from this viewpoint, they do not consider it would result in significant or unacceptable impacts on the setting of the Kent Downs National

Landscape.

89. In my view, parts of the proposed development would be poorly sited. The introduction of large scale energy infrastructure would change the character of the traditional agricultural scene with regimented rows of solar panels that would have a long term urbanising impact and be harmful to local landscape character contrary to Policy ENV3a of the ALP. Some of these effects, both individually and cumulatively would be significant or potentially significant and therefore in conflict with Policy ENV10 of the ALP which requires energy proposals such as this to 'not result in significant adverse impacts on the landscape, natural assets or historic assets, having special regard to nationally recognised designations and their setting, such as AONBs, Conservation Areas and Listed Buildings.' These significant effects require weighing in the planning balance against other benefits of the proposed development.

90. The SEI provides no further illustrative material with regard to site topography, key landscape features and analysis (woodlands, hedges, etc.) and clear identification of the locations of properties described in the LVIA

Visual effects

91. The LVIA notes that the site is visible primarily from visual receptors located close to the site and that beyond the immediate surroundings views are heavily restricted by topography, woodland, tree belts and hedgerows. The visual receptors are identified as both local and longer distance recreational receptors using the PRoW network, residential receptors and transport receptors.

92. As originally submitted the LVIA included a visual assessment of the site from 12 representative viewpoints comprising a mix of distant, mid-distance and local views of the site, including those which have the potential to affect the setting of the AONB from a number of receptors. I note that none of the viewpoints or visualisations include winter photography which would normally be used to depict 'worst-case scenario' for assessing effects while trees are not in leaf. The lack of evidence in the form of winter photography, which would be expected for a proposal of this nature and scale, limits the ability to understand and assess the visual effects of the proposals in a winter context.

93. The LVIA identifies that of the surrounding settlements the development is likely to be visible in views from the older part of Aldington, located on higher ground approximately 1.2-1.7km to the south of the site on Church Lane. Viewpoints 6-8 demonstrate that the western parcel of the development across Bested Hill would be visible from these locations, even when existing trees and vegetation are in leaf. The LVIA predicts viewpoint 6 would experience a moderate+ (potentially significant) effect on views at end of construction reducing to moderate (potentially significant) effect on views 10 years post construction from this location for residents. For walkers, it predicts

a moderate (potentially significant) effect on views at end of construction reducing to moderate/minor+ (not significant) effect 10 years post construction. In my opinion, the slight magnitude of change from this location is underplayed. The CLVIA identifies that the combined visibility of this proposal and the NSIP scheme would extend across the view to the north with the result that a substantial/ moderate magnitude of change would be expected, which would result in a major/moderate+ (significant) effect on the visual amenity of residents with a similar view of both developments.

94. The LVIA includes an assessment of visual impact from various visitor attractions. Only the Aldington Races point to point course on fields immediately south of the eastern parcel are predicted to experience any effects. As noted by interested parties this is an important community event. The prominence of part of the site would result in a significant individual and cumulative (in combination with the NSIP scheme) effect; however over time the LVIA predicts mitigation planting would be expected to entirely screen the development (viewpoint 4) or reduce the visibility resulting in a not significant effect at Year 10. No cumulative effects are predicted.

95. Of the four long distance recreational routes assessed, potential visibility was identified from the Saxon Shore Way (viewpoint 8) and North Downs Way (viewpoints 9-12). Due to the very limited potential visibility and distances involved no significant effects on the visual amenity of walkers is predicted. No cumulative effects are predicted from these locations.

96. Arguably the greatest change in views will be experienced from recreational receptors using the dense network of PRoWs within the area. I note the County PRoW and Access Service's view that the significance of effect of the development on the amenity value of the PRoW network is underestimated, the mitigation proposed is insufficient and no enhancements to the PRoW are proposed. This would be contrary to NPS EN-3 which requires applicants 'where possible to minimise the visual impacts of the development for those using existing public rights of way and to consider and maximise opportunities to facilitate enhancements to the public rights of way…'.

97. Local PRoW are sensitive receptors and the LVIA identifies that users of PRoW AE432 and AE459 through the site would be subject to major/moderate+ (significant) effects on visual amenity (viewpoint 1). Additional native hedgerow planting is proposed immediately south of PRoW AE432 and the permissive route as it travels northwest towards Park Wood from its junction with PRoW AE432 so as to provide further screening of views for users. Native hedgerow trees are also proposed throughout the new hedgerow along the northern site boundary. The layout of panels allows for varying PRoW corridor widths in this location, which would be approximately 25m between fencing at the narrowest points.

98. Users of PRoW AE457 on Bested Hill would be subject to clear and open views of the development. As a key receptor I concur with LMS that a single

viewpoint is insufficient to be representative of the impact of the development in this location. The evidence base of the LVIA is inadequate in this regard. Nevertheless, viewpoint 2 predicts significant effects would occur at end of construction. The Illustrative sections demonstrate that with a few exceptions, the PRoW corridor in this location would in places be in the region of 65-90m wide. At the southern end of Bested Hill an area of low density woodland is proposed with new hedgerow planting on the top of the roadside verge and adjacent to The Paddock. Further hedgerow planting is proposed adjacent to PRoW AE457 where it passes around the west and southwest of Bested Hill adjacent to Backhouse Wood. The SEI states this would be grown and maintained to 3m in height to add screening to views towards the solar panels.

99. The LVIA states that at viewpoint 2, once trees and hedgerows are established 'the solar farm would be entirely screened from view with no effects on views occurring for walkers. It is anticipated to take between 5 and 7 years for this vegetation to fully establish'. I share LMS' concerns regarding the magnitude of change being assessed as 'none' with consequent 'no effect' even though the view would change substantially from the existing baseline view of open farmland to one of relatively young woodland.

100. Furthermore, in the absence of any planting growth rates information or winter views I concur with the KCC PRoW and Access Service's concerns that the actual height and density of woodland and hedgerow planting shown may overplay the anticipated screening effect by suggesting a greater level of maturity and that the planting mitigation will not fully mitigate effects across the year and within these timescales as concluded in the LVIA.

101. Although there are no representative viewpoints from PRoW AE656 (adjacent to the East Stour River), significant effects are predicted to users of this footpath and AE437 (adjacent to the northern parcel) in the vicinity of the site which provides open views of Bested Hill. By reason of the prominent and rising nature of Bested Hill, the panels and ancillary structures would be viewed as an artificial, contrasting feature in an otherwise rural view. No significant cumulative effects are predicted.

102. As noted above, parts of the site including on Bested Hill would also be prominent in views from the ridgeline to the south and the LVIA identifies moderate (potentially significant) effects at the end of construction reducing to moderate/minor+ (not significant) effects for walkers at 10 years post construction from both viewpoints 6 and 7. Policy AB4 of the emerging A&BNP identifies long-distance views, including from the ridgeline, as playing a key role in the village's setting and states proposals with significant harmful impacts on the setting of the neighbourhood area will not be supported.

103. Viewpoint 7 is near to a view (View 3) identified as locally significant in emerging Policy AB4 of the A&BNP. Criterion (B) of this policy requires development proposals within these views (as appropriate to their scale and

nature) to be designed in a way that demonstrates 'how the proposal has taken into consideration the importance of the locally significant view or views, in the layout, design or masterplanning of the site(s) and mitigates any adverse impact on those views'. The solar panels would have an element of reflectivity in these views which would make them more noticeable and industrialising features in these rural views and I concur with LMS that the LVIA requires further detail on the basis that the visualisations do not appear to support a long term diminution compared with effects at completion. The cumulative assessment from viewpoint 7 indicates a moderate (potentially significant) effect on views in development scenario 2 and a major/moderate (significant) effect on views in scenario 3 (including the NSIP scheme).

104. No mitigation planting is proposed adjacent to PRoW AE459 which runs through the eastern parcel of the site. This is currently open farmland and would be bound by fencing and solar panels on both sides. 3 inverter/substation units and a substation container would also be located in close proximity. Whilst the Illustrative sections demonstrate the PRoW corridors in this location would be approximately 12-16m between fences I note the LVIA does not include any viewpoints to provide an assessment as to the anticipated visual impacts and effects to footpath users in this location. The evidence base of the LVIA is inadequate in this regard. The SEI does note there would be a 30m length of footpath where the solar panels are stepped back to provide an area of grassland.

105. In terms of public highways, the LVIA identifies Church Lane as the only road within 0.2km of the site with potential for significant effects. The LVIA notes that 'a small section of the proposal would be openly visible in the field to the west (left) of Church Lane where the hedgerows have been removed, and also over roadside hedgerows within the Bested Hill field'. The section of Church Lane boundary running east-west near to the river crossing is annotated to 'be retained and maintained at current height for road safety reasons'. I understand this is to maintain forward visibility for drivers crossing/approaching the bridge. New native hedgerow planting is proposed on the northern and southern edges of the block of panels immediately west of Church Lane. The SEI also notes the southern parcel across Bested Hill includes mitigation planting through increasing the depth and range of species within the existing field boundary hedgerow on the west side of Church Lane and adding 'some hedgerow trees'. As existing, this hedgerow appears to be single species and is narrow with many gaps thereby offering open views from Church Lane across Bested Hill to the south-west.

106. As another key receptor I concur with LMS' view that a single viewpoint is insufficient to be representative of the impact of the scheme from Church Lane; however viewpoint 3 illustrates how visible the panels within the western parcel across the higher ground on Bested Hill would be from this location. I concur with the LVIA that the effects on views from this location would be major/moderate+ (significant) at the end of construction. Whilst the LVIA predicts effects reducing to moderate+ (potentially significant) 10 years

post construction, the visualisations show panels in clear view in 10 years and in my opinion the siting of panels across Bested Hill would result in significant visual effects that cannot be adequately mitigated in the long term. The NSIP scheme is not expected to be visible from any part of Church Lane and so no cumulative effects are predicted.

107. Whilst no mitigation planting is proposed on the east side of Church Lane, new native hedgerows are proposed adjacent to the boundary with Bested House and along the edge of the arrays to the south to provide screening from Church Lane.

108. Church Lane is a typical example of a historic and narrow rural lane with a feature bridge. The emerging A&BNP refers to Church Lane's ancient hedgerows. It is therefore considered to be of landscape and historic importance. In contrast to the existing solar farm development on flat land to the east of Church Lane which is well screened, the proposed development, particularly where located on higher ground of Bested Hill, would result in prominent near and medium distance views of solar arrays, creating an unsympathetic, urbanising presence contrary to Policy ENV5 of the ALP.

109. I also consider the LVIA relies on an over-emphasis of the benefits of proposed mitigation and that the photomontages do not in all cases provide an accurate representation of the likely impacts. In particular, it is not clear that the hedgerow and tree planting would achieve the anticipated density and extent of visual screening anticipated by the LVIA. As a consequence the judgements of effects on landscape and visual receptors are skewed to low. These factors combine to produce an under-assessment of the residual effects of the scheme on landscape character and visual amenity. In my view there are a number of landscape and visual effects that cannot be appropriately mitigated contrary to the requirements of policies ENV3a, ENV5 and ENV10 of the ALP.

110. Notwithstanding the mitigation measures proposed to limit views of the solar arrays, I have identified that the development would detract from the rural character of the site. This would detract from the recreational value and experience of users of the PRoW network that passes through the site and offers views across it contrary to Policy ENV5 of the ALP. The objections received, including from the County PRoW and Access Service, add weight to my concerns in this regard.

111. PPG states that cumulative impacts require particular attention, noting the increasing impact that large scale solar farms can have on landscape and local amenity as the number of solar arrays in an area increases. PPG also notes that local topography is an important factor in assessing whether large scale solar farms could have a damaging effect on landscape.

112. The SEI includes further information on cumulative impacts in the form of a CLVIA and is supported by five additional viewpoints. The assessment includes an assessment of cumulative impacts from the nearby Stone Street

Green NSIP scheme, Sellindge Battery Energy Storage System, Sellindge Grid Stability Facility and Otterpool Park Garden Town. Regrettably, the viewpoints A-E were taken during summer months and do not reflect winter views to help inform an understanding or assessment of landscape and visual effects in conjunction with other identified developments based on winter conditions.

113. Significant cumulative effects from combined development scenario 2 (excluding the NSIP scheme) are predicted on the landscape character of parts of the Evegate Mixed Farmlands LCA and to the visual amenity of some residents and users of PRoW local to the site.

114. Significant cumulative effects from combined development scenario 3 (including the NSIP scheme) are predicted on the wider landscape character area within parts of the Evegate Mixed Farmlands LCA, the East Stour Valley LCA, the Aldington Ridgeline LCA and the Upper Stour Valley LCA. It would not be possible to naturally screen the development, particularly in views from the ridgeline or in panaromic long views across the East Stour Valley as required by emerging Policy AB10 of the A&BNP. Significant effects are also predicted for some residents within limited parts of Aldington, for users of PRoW local to both proposed sites and for users of sections of local roads travelling past both proposals as part of a single journey. The SEI notes that consideration of mitigation planting has formed an integral part of the design process; however in my opinion many of the significant cumulative effects predicted are a result of the undulating topography of the site and demonstrate that the proposed development is not well-planned or able to adequately mitigate impacts.

(c) Heritage impacts

- **Archaeology**

115. The application site lies within the East Stour River valley with tributaries extending through the development site. The ES acknowledges it has a high potential for finds and features of prehistoric occupation. There is also potential for as yet unknown significant multi-period archaeology to survive on the site.

116. The ES includes an Archaeology and Cultural Heritage chapter and the application is supported by a geophysical survey highlighting the presence of archaeology; however the County Archaeologist notes further information is required to reveal the full extent of buried archaeology, its date and character and significance.

117. The application is also supported by a historic environment desk-based assessment (HEDBA). Whilst the assessment provides a description of known archaeology I concur with the County Archaeologist’s view that does include sufficient analysis or interpretation to provide an understanding of the significance of remains on the site.

118. The site rests within a river valley with a highly visible hill, Bested Hill and in proximity to one of the major Roman roads through Kent. As noted by the County Archaeologist, there is no archaeological landscape assessment or analysis of the terrain to help understand the potential for early prehistoric remains, Later prehistoric and Roman activity on site as well as the nature of the adjacent ring ditches suggested by the geophysical survey. The submitted archaeological Evaluation Report does not contain any assessment of the significant archaeology located during the evaluation or area plans showing the relationship of remains to each other to give spatial understanding.

119. The ES states that potential archaeology on the site is considered to be of local to regional, rather than national heritage significance. The proposed development is for solar panels which will sit on frames that are pile driven, leaving the natural ground surface below the panels. The ES states no substantial groundworks are proposed and for the construction phase, negligible not significant and minor not significant effects are predicted across the site. There would be no direct impacts on buried archaeological assets in the operation phase.

120. The ES refers to the likely requirement for a programme of archaeological evaluation; however I concur with the County Archaeologist that this cannot be reserved by planning condition. In the absence of a reasonable, evidence-based interpretation of the findings or statement of significance, an impact assessment or detailed proposal for mitigation of the archaeology the application contains insufficient information to understand the potential impact of the development on the significance of heritage asserts with archaeological interest contrary to the requirements of paragraph 200 of the NPPF, Policy ENV15 of the ALP and criterion (C) of Policy AB11 of the emerging A&BNP which requires development proposals to demonstrate that they have taken into account the potential impact on above- and below-ground archaeological deposits to ensure that evidence that could contribute to the understanding of human activity and past environments is not lost.

- **Setting of designated heritage assets**

121. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses. In this instance, whilst the development would not directly affect listed buildings, it would have an impact on their settings.

122. Paragraphs 205 and 207 of the NPPF are relevant in this instance. Paragraph 205 states: *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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts*

to substantial harm, total loss or less than substantial harm to its significance.

123. Paragraph 207 states: *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

124. In Historic England's advice note on the Setting of Heritage Assets, it advises that setting is defined in the NPPF as *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral."*

The setting itself is not designated. Every heritage asset, whether designated or not has a setting. Its importance, and therefore the degree of protection it is offered in planning decisions, depends entirely on the contribution it makes to the significance of the heritage asset or its appreciation…

Settings of heritage assets change over time. Understanding this history of change will help to determine how further development within the asset's setting is likely to affect the contribution made by setting to the significance of the heritage asset. Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance…

Because the contribution of setting to significance does not depend on public rights or ability to access it, significance is not dependent on numbers of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting, constraints on access such as remoteness or challenging terrain, and the importance of the setting to a local community who may be few in number…

125. Policy ENV13 of the ALP relates to the conservation and enhancement of heritage assets and states that '*development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, or where a non-designated heritage asset is likely to be impacted, harm will be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.'*

126. Criterion (B) of Policy AB11 of the A&BNP requires development proposals affecting designated heritage assets, either directly or indirectly, to preserve or enhance the significance of the asset, including those elements of the setting that do not contribute to the significance.

127. The Archaeology and Cultural Heritage chapter of the ES identifies a number of designated heritage assets within between 250m and 1km of the site, including Aldington Church Conservation Area and Smeeth Conservation Area, two Grade I listed buildings, two Grade II* listed buildings and 37 Grade

II listed buildings. Of these, Aldington Church Conservation Area, the Church of St. Martin (Grade I), Court Lodge Farmhouse (Grade II*) and Evegate Manor (Grade II*) are identified in the ES as potentially sensitive to the development.

128. The ES notes the operation phase of the development has the potential for indirect impacts on the setting and significance of designated assets of national importance. PPG states that '*Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset*'. The ES concludes the development would have a less than substantial harmful effect (minor-negligible and not significant) on the setting of the Church of St Martin by reason of some views of the church being seen in the context of the development on Bested Hill. The ES also identifies a negligible, not significant effect on Court Lodge Farmhouse and no harm to the significance of Evegate Manor. The ES contends there is no intervisibility between the Aldington Church Conservation Area and the site and that any harm arising as a consequence of the above effects on the Church of St Martin and Court Lodge Farmhouse would be at the lowest levels of less than substantial equating to minor-Negligible and not significant. No cumulative effects are identified.

129. Historic England (HE) note that the site forms the setting of several designated heritage assets including the Church of St Martin and Court Lodge Farmhouse which are highly prominent and comprise an unusually fine group. HE's assessment of both buildings demonstrates they derive some significance from their landscape settings which help explain their rural origins and provide an attractive backdrop which enhances their aesthetic value in key views. The exceptional heritage interest of St Martin's and Court Lodge Farm is recognised in their designations as Grade I and Grade II* listed buildings. In my view, these buildings form a cohesive collection and derive a significant part of their special character from their historical and ongoing relationship with the rural landscape that they were historically associated with and continues to be appreciated. I note the SEI references parts of the application site as positively contributing to the significance and wider setting of these designated assets through provision of an historic rural context.

130. HE's assessment of significance finds that: *"The church tower is set at the highest point of the village which is key to understanding the historic significance of its setting. The tall flint and stone structure commands presence in long views towards the small settlement, most notably, views approaching the settlement from the north along Roman Road. Here the falling land emphasises the tower's height as the most prominent building in the landscape. The church and former hunting lodge are set within a wider group of medieval buildings whose origins mainly relate to farming. These buildings therefore also derive some significance from the surrounding landscape. The group value of the two assets is also found in their historic association between the Archbishop of Canterbury's former hunting lodge and*

the wider fields which may have formed part of this historic ecclesiastical manor. The interest of this unusual group is also acknowledged by the area's designation as Aldington Conservation Area and the listing of many of the later farm buildings within it. The fields contribute to historic significance of the settlement by tying the rural place of worship to the fields and homes of the agricultural community who both built and worshipped in the church. The great time-depth of the area's occupation is also recognised in other nearby designated heritage assets, including the Bronze Age cemetery on Barrowhill, known as Barrow Cemetery to the south-west of Barrowhill, which sits within a much wider funerary landscape."

131. As a desk-based assessment, the evidence is limited in the extent of understanding of the relationship between these historic structures and the historic landscape. Whilst the buildings are identified and there is acknowledgment of their importance, there is little analysis of the role that these buildings played in the historic development of the area and their contribution to the significance and sense of place. There is little assessment of the historic landscape and the siting and setting of the historic buildings within it and the wider pattern of roads, tracks, fields etc. A more narrative description of the significance of the historic environment would help to better assess impact.

132. Nevertheless, the topography of the land means that various parts of the solar farm would be visible in the context of designated heritage assets. The scale and siting of the proposed development would introduce a substantial area of incongruous manmade infrastructure that would have an urbanising impact on views of the heritage assets, both from identified viewpoints and as one moves through the landscape, towards and away from historic settlements and structures. This would result in demonstrable harm to their traditional rural setting. I consider that the proposed landscaping would be insufficient to mitigate this harm or preserve the existing appreciation of setting.

133. HE's assessment of impact relates primarily to the impact of the development on the Church of St Martin and particularly in northerly views from the Roman Road where the wireline drawing from viewpoint 8 demonstrates there is the potential for panels to be experienced on either side of the church tower. HE states: "*In this view, the panels have the potential to harm the significance of the church's setting by drawing the eye away from the tower as focal point in this historic landscape. The functional appearance of the panels has the potential to distract from an appreciation of the group value of the assets and their important historic associations with the landscape both as former buildings in the Archbishop of Canterbury's manor and as buildings characteristic of the farming landscape."* HE have requested further information in the form of additional rendered views to fully assess the magnitude of harm.

134. HE also raise concerns about the impact on the setting of Church of St Martin from viewpoint 7 where panels will be visible in views approaching the church

from the west along the footpath that affords panoramic views north towards the AONB. HE states: "*Whilst there is some distance between the development site and the church, view 7 is dominated by the magnificent fifteenth century tower which is set on high ground and framed by open fields. We also believe the panels could harm the longstanding visual tie between the agricultural settlement and the rural landscape by obscuring some of the fields which contribute to the setting's significance. Facing south, the degree to which this important visual tie could be impacted, would be increased by the panel's reflectivity, which would be more noticeable because they face south."*

135. I concur with HE's assessment that there would be very little impact on the significance of setting and long views of the scheduled Bronze Age Cemetery on Barrowhill to the east of the site.

136. Overall, I agree with HE's conclusion that the proposed development would be harmful to the settings of designated heritage assets and that this harm would be 'less than substantial'; however I do not agree with the applicant's assertion that the less than substantial harm would be on the lowest end of the scale. In my view, the harm would be at the higher end of the spectrum and so needs to be weighed against the public benefits of the proposals in accordance with the statutory requirements set out in the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Policy ENV13 of the ALP. This exercise is undertaken in the conclusion further below.

(d) Ecology and biodiversity

137. The application is supported by a Preliminary Ecological Appraisal/PEA (dated April 2021) and includes a Phase 1 Habitat Survey, Protected Fauna Survey, eDNA Surveys and Breeding Bird Surveys (completed in 2021). No statutory or non-statutory ecological designations apply to the site, albeit a large block of semi-mature broad-leaved woodland known as Backhouse Wood Local Wildlife Site (LWS) is located immediately west of the southern section of the site.

138. The majority of the application site comprises arable fields and improved grassland used for sheep grazing. Whilst the development would result in the direct loss of these habitats they are of low ecological value and the impact is assessed as negligible. The Phase 1 Habitat Survey also identified the presence of Field Margins, Improved Grassland, Hedges and Trees, Ditches, Brook, Pond and Woodland habitats. By reason of the construction activities being contained within the site boundaries and subject to appropriate mitigation and monitoring being secured via a Landscape Environmental Management Plan (LEMP) no direct or indirect impacts are predicted to the majority of habitats. Where impacts have been identified (to arable/improved grassland) they would not be significant.

139. In terms of residual impacts, the EIA predicts long term permanent and major

positive impacts through habitat enhancement including through creation of wildflower meadows beneath all panels, creation of 13.6ha of grassland in the southern parcel, planting of 2.2km of new hedgerow and enhancement of 1.5km of existing hedgerow, 1.1ha of woodland planting and creation of riparian meadows. No significant cumulative impacts are predicted.

140. Protected Fauna Surveys have been undertaken for Badger, Bats, Dormouse, Otter, Water Vole, Nesting birds, Great Crested Newt and Reptiles. Whilst the County Ecologist has requested more detailed information regarding the potential impacts upon nearby badger setts, the EIA predicts no direct or significant impacts on any species except Breeding birds. It is predicted that the development would result in the loss of breeding habitat for two pairs of Lapwing and between two and three pairs of Skylark. However, the EIA notes that the residual impacts of habitat loss on Lapwing and Skylark will be neutral on the basis that similar habitats to those being lost are present in the wider area and two areas of wildflower meadow being created outside of the site will be suitable for both species.

141. The County Ecologist has reviewed the submission and requested further information on the design and management strategy for Lapwing and Skylark to ensure that the proposed mitigations are sufficient for the loss of breeding territories. This may include changes to the locations and management of hedgerows (e.g., in terms of targeted height), and where appropriate, additional land to mitigate for the loss of the breeding territories.

142. In terms of residual impacts, the EIA predicts negligible to minor positive impacts for Dormouse, Bats, Breeding birds and Reptiles through the creation of new hedgerow, woodland and meadow habitat and the provision of bird and bat boxes. No significant cumulative impacts are predicted. I note the submissions from interested parties relating to evidence of Brown Hare near to the site and I concur with the County Ecologist's view that contrary to the ES, the site provides suitable habitat for Brown Hare which is likely to be present at the site. Clarification regarding the mitigation and operational management required to conserve and enhance the value of the site is needed.

143. Various avoidance/mitigation measures are proposed by the applicant and these could be secured via a planning condition to secure a Construction Environment Management Plan (CEMP). Notwithstanding this, in the absence of the information sought by the County Ecologist in relation to Badgers and Breeding birds and Brown Hare, it has not been satisfactorily demonstrated that the proposal would not have a harmful effect on ecology and this would be contrary to policy ENV10 of the ALP (insofar as it relates to significant adverse impacts on natural assets) and the NPPF which states that if significant harm to biodiversity cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused. It would also be contrary to criterion (i) of Policy AB10 of the emerging A&BNP insofar as it requires an application to demonstrate that any harm to the local environment

will be minimised and, where necessary, mitigated.

144. The proposals would provide for ecological and biodiversity enhancement as required by Policy ENV1 of the ALP and criterion (iv) of Policy AB10 of the emerging A&BNP and I am satisfied that these details, and details for their ongoing management through a Landscape and Ecology Management Plan (LEMP) could also be secured by planning conditions. The comments made by third parties about the detail and content of a future LEMP, including recommendations regarding future management bodies are capable of being addressed at the appropriate time.

(e) Highway impacts

145. Policy TRA7 of the ALP relates to transport impacts, and amongst other things states, that proposals which would generate levels and types of traffic movements, including heavy goods vehicle traffic, beyond that which local roads could reasonably accommodate in terms of capacity and road safety will not be permitted and that applicants must demonstrate that traffic movements to and from the development can be accommodated, resolved, or mitigated to avoid severe cumulative residual impacts. Policy TRA8 requires planning applications to be supported by Transport Statements as appropriate. Policy ENV10 relating to renewable energy is also relevant, stating that proposals will be permitted where, amongst other things, the development does not generate an unacceptable level of traffic. Criterion (i) of Policy AB10 of the emerging A&BNP requires an application to demonstrate that any harm to the local environment will be minimised and, where necessary, mitigated.

146. Chapter 9 of the NPPF relates to the promotion of sustainable transport. In considering development proposals, local planning authorities should ensure that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
b) safe and suitable access to the site can be achieved for all users; and
c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

147. The NPPF 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. To this end, paragraph 116 of the NPPF sets out that applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate

facilities that encourage public transport use;
b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

148. The ES includes a chapter on Traffic and Access and is supported by a draft Construction Transport Management Plan (CTMP) that assesses the likely effects of the proposed development on the local road network. In response to requests for further information from the Highways Authority the applicant submitted further information via an SEI in January 2024.

149. The construction phase access strategy is predicated on all deliveries accessing the site from the northern end of Church Lane via the A20. Two existing farm accesses (with gates set back from the highway) are proposed to be utilised for the primary construction accesses (for all construction traffic to enter and exit the site). The first would provide access to the northern parts of the sites approximately 300m south of the junction with the A20 and beyond the M20 bridge. The second would provide access to the southern parts of the site further south along Church Road and would necessitate vehicles passing under two railway bridges and over a narrow bridge that crosses the East Stour.

150. With the exception of a crossing point approximately 800m further south on Church Lane to facilitate access to the eastern parts of the site, all other construction phase traffic movements are intended to be via 4m wide access tracks within the site. These are to follow field boundaries where possible. The CTMP identifies that no other construction routes are proposed and no construction traffic will be permitted beyond the southern-most access on Church Lane.

151. Whilst the Highways Authority is satisfied that the proposed construction traffic routing via the A20 is the most suitable, they note the CTMP details HGV deliveries direct to all site locations. This would involve HGVs needing to pass under two bridges with height restrictions (3.8m) and is therefore not possible. The Highways Authority recommend exploring the feasibility of creating a staging compound to the north of the railway bridges to unload from large delivery vehicles and transfer onto smaller vehicles which would fit under the railway bridges.

152. The Highways Authority also note the section of highway south of the National Grid substation narrows and does not allow for delivery vehicles to pass any

traffic travelling in the other direction. Visibility from the south heading north is restricted by a bend just south of the bridge over the East Stour River. I concur with the Highways Authority that traffic management measures are required to remove the risk of opposing vehicles obstructing each other, including for example the manning of access gates and use of banksman to control movements and mitigate conflict. I note the Church Lane Group also raise concerns relating to weight limit restrictions on the bridge over the river.

153. The Highways Authority note that the previous solar farm construction resulted in delivery vehicles approaching the site from the southern end of Church Lane and causing access difficulties for local residents. For this reason, further measures are required to ensure that the proposed strategy and intended prohibition on the use of the southern end of Church Lane is adhered to. I note that the Church Lane Group request that Church Lane be subject to a temporary road closure. This is not currently proposed by the applicant.

154. The development is envisaged to take approximately 9 months to construct and the SEI acknowledges the potential for cumulative traffic impacts on the northern section of Church Lane (between the A20 and railway bridge) arising from the parallel implementation of permission for the Pivot Power BESS development and SWECO Synchronous Condenser on adjacent sites. Notwithstanding the mitigation measures proposed to be secured through a CTMP, including restrictions on delivery times to between 0900 and 1500 on weekdays (I note the submitted CTMP refers to 'HGV deliveries are scheduled to be made within the hours of 07:00 to 19:00 on Mondays to Fridays or from 07:00 to 14:00 on Saturdays') and restrictions on the use of the southern end of Church Lane, the cumulative residual effects in terms of increased HGV traffic flows would be significant, albeit short lived.

155. As submitted, the CTMP is unacceptable and a number of amendments would be required to the delivery strategy to mitigate potential highways impacts. I am mindful that in the absence of any information on the feasibility of these amendments the potential implications and effects, including cumulative effects, on traffic and access matters cannot be assessed and I concur with the Highways Authority that this detail cannot be reserved by condition.

156. The three vehicular accesses would be retained throughout the operational phase, albeit on the basis that operational traffic movements would comprise occasional light vehicle access for general maintenance and security (approximately once per month) I am satisfied there would be no material increase in movements over and above the established agricultural use.

157. Policy TRA5 of the ALP is relevant to PRoW and states *'Development proposals shall demonstrate how safe and accessible pedestrian access and movement routes will be delivered and how they will connect to the wider movement network. Opportunities should be proactively taken to connect with and enhance Public Rights of Way whenever possible, encouraging journeys*

on foot.'

158. Criterion (iii) of Policy AB10 of the emerging A&BNP is also relevant insofar as it requires, where possible, existing rights of way to be retained.

159. As identified in the description section above, there are various PRoW crossing the site. The proposed layout demonstrates that the onsite PRoW network would be retained in its existing location. The existing PRoWs would remain accessible during the construction phase, and fenced off from the construction site for user safety. Advance notification and signage would be in place to warn users of the PRoW of the adjacent construction activities. Banksmen would be deployed as necessary during times of construction traffic. KCC PRoW and Access Service has lodged an objection to the proposals, including in relation to transport and construction phase impacts. However, it is not unusual for PRoWs to be temporarily affected by construction works and I am satisfied that any construction related impacts could be appropriately secured by planning condition.

(f) Residential amenity impacts

160. Paragraph 127 of the NPPF indicates that planning decisions should create a high standard of amenity for existing and future users. Policy ENV10 of the ALP requires renewable energy proposals to not generate an unacceptable level of traffic or loss of amenity to nearby residents including through visual impact, noise, disturbance, odour. Criterion (ii) of Policy AB10 of the emerging A&BNP is also relevant and requires applicants to demonstrate that proposals do not adversely affect residential amenity through noise generation or overbearing visual impact.

161. Although the site is in a rural location, there are a number of existing dwellings surrounding the application site. Partridge Farm is the closest property to the site (approximately 91m from the nearest frame location). Bested House and other residential receptors include other dwellings along Church Lane would be in excess of 100m from the nearest frame). It is necessary to consider the potential adverse impacts from the proposals on the amenities of the occupiers of these properties, including in terms of visual impact, noise and glint and glare.

- Visual impact

162. The LVIA includes an assessment of visual effects from dwellings that may gain near or open views of the site. Whilst Partridge Farm is the closest to the development, the proposed solar array would be screened from this dwelling by existing barns.

163. Bested House is a two-storey dwelling located on Church Lane and the LVIA concludes that the open and panoramic views of the proposal would be available from the first floor resulting in a significant effect on visual amenity at the end of construction and 10 years post construction. Mitigation planting

would mitigate effects from the ground floor windows and garden of this property.

164. Significant effects on the visual amenity of residents of The Paddock are also predicted at the end of construction from the development on Bested Hill with mitigation planting predicted to 'effectively screen the proposal' within 5-7 years.

165. Limited visibility of the proposals on Bested Hill are anticipated from Forehead, Hogben Farm and Forehead Farm to the south and this is assessed as equating to a slight magnitude of change and a moderate (not significant) effect on visual amenity at end of construction, with some views remaining from upper storeys in the longer term.

166. No signifcant effects are predicted for dwellings at Middle Park Farm, Lower Park Farm, Apple Barn, Harringe Court, Woodleas Farm, Little Goldwell Farm, Symnell, Evegate Manor, Park Wood Cottage and other nearby properties.

167. In my opinion, even accounting for the initial significant effects at Bested House House and The Paddock, the overall impacts on visual amenity from surrounding dwellings would not amount to unacceptable harm to their occupiers in accordance with Policy ENV10 of the ALP.

- Noise impacts

168. Paragraph 191 of the NPPF requires planning decisions to '*ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment…*' and should '*mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life*'.

169. Policy ENV10 of the ALP requires renewable energy proposals to not generate an unacceptable level of traffic or loss of amenity to nearby residents including through visual impact, **noise**, disturbance, odour.

170. The ES and SEI includes a Noise chapter and the application is supported by an assessment of noise and vibration impacts throughout the construction and operation phases. It also includes a cumulative noise assessment. Noise generated in the construction phase can be managed through the Construction Management Plan. The assessment concludes that although there would be an increase in operation phase noise levels at Bested House, these would remain below the measured background levels and no mitigation measures are required. The assessment has been reviewed by the Council's Environmental Protection Officer who raises no objection.

171. In summary, I am satisfied that the development is capable of safeguarding

amenity and living conditions of nearby residents in accordance with relevant policies.

- Glint and glare

172. Solar panels are designed to absorb and not reflect light and whilst solar panels are less reflective than other materials commonly found in the built and natural environment, including window glass and bodies of water, there are potential for glint and glare effects to occur. 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.

173. The ES and SEI includes a Glint and Glare chapter that considers the potential effects of glint and glare caused by the development on ground-based receptors, including dwellings, roads, PRoW and railway lines as well as aerial receptors in the surrounding area. The computer modelling does not consider the presence of screening features and is therefore a worst-case scenario.

174. I am satisfied the evidence demonstrates the development, either in isolation or cumulatively, would not result in widespread glint or glare effects impacting on residential amenity. Where receptors are predicted to have the potential for glint this has been modelled on a worst-case scenario and would not result in unacceptable harm or health risk to any ground or aerial receptors surrounding the site.

(g) Flood risk and drainage

175. Policy ENV6 of the ALP is relevant as the application site is partially located within Environment Agency's (EA) Flood Zone 2 and 3 and is at high risk of fluvial flooding. Policy ENV9 of the ALP and the adopted Sustainable Drainage SPD state that all development should include appropriate SuDS for the disposal of water in order to avoid any increase in flood risk or adverse impact on water quality.

176. The ES is supported by a Hydrology and Flood Risk chapter and the SEI includes an assessment of cumulative impacts. The application is also supported by a Flood Risk Assessment (FRA) and in consultation with the EA, the site layout has been designed such that all infrastructure, with the exception of part of an access track, would be located outside an agreed fluvial flood exclusion zone. I note the EA recommend this and the mitigation measures outlined in the FRA be secured by planning conditions. No significant effects are predicted either in isolation or in combination with other developments.

177. Whilst the majority of the site is at low risk of surface water flooding, the site

layout includes some panels within surface water flood zones. Neither the EA or Local Lead Flood Authority (LLFA) raise objection to this and I am satisfied that flood risk would not be increased by the proposed development and there be no significant cumulative effects.

178. Although no significant increase in surface water runoff is anticipated as a result of the solar array, the application also includes an outline drainage strategy featuring unconnected swales as a precautionary measure to capture run-off and provide attenuation as well as additional planting. I concur with the LLFA that subject to planning conditions to secure a detailed surface water drainage scheme and verification report there would be no significant effects on drainage and the development would comply with the requirements of Policies ENV6 and ENV9 of the ALP.

(h) Land/groundwater contamination

179. Subject to appropriate mitigation measures to maintain vegetation and minimise soil compaction, the potential impacts on soil and geology are assessed to be negligible (not significant) during construction and minor (not significant) during operation. Similarly, subject to appropriate mitigation measures and good practice construction methods relating to construction management, no signifcant impacts are predicted on surface and groundwater quality from construction, operation or decommissioning of the site. Neither the Environment Agency nor the Council's Environmental Protection team raise objection.

Human Rights Issues

180. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

181. In accordance with paragraph 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

182. The urgent need for new renewable energy infrastructure is reflected in all levels of planning policy and guidance and, in this respect, the proposal to generate power for up to 17000 homes would make a significant contribution towards meeting renewable energy targets and tackling the climate change

agenda. This is a clear public benefit of the development and it must be afforded substantial weight. The applicant has confirmed that there is grid capacity in the locality. This indicates that the scheme is deliverable and also weighs in favour of granting planning permission.

183. Notwithstanding this, the need for renewable or low carbon energy does not automatically override environmental protections; the development would necessitate the introduction of photovoltaic panels over an area of approximately 65.49 hectares for a period of 40 years and would result in a range of signifcant environmental effects.

184. The site occupies an undulating landscape and, in my opinion, the proposed development has not been well-planned but would result in significant adverse effects on landscape character and on visual amenity that are not, and cannot, be appropriately mitigated. I have concluded that in some instances the LVIA fails to provide a robust evidence base or to provide a reasonable and representative assessment of the anticipated impacts and effects of the proposals. The development would also detract from the amenity and experience of users of the public right of way network. In view of the extent and magnitude of the landscape and visual harm I afford this significant weight.

185. Turning to heritage, I have identified that the development would result in harm to the setting and significance of several designated heritage assets of exceptional interest. The application also contains insufficient information to understand the potential impact of the development on the significance of heritage assets with archaeological interest. In accordance with the NPPF I attach great weight to this harm which would be at the higher end of the ‘less than substantial’ spectrum.

186. The roads surrounding the site are subject to a number of constraints and the ES has identified that cumulative residual effects in terms of increased HGV traffic flows would be significant, albeit short lived. In the absence of a robust CTMP, the potential implications and effects, including cumulative effects, on traffic and access matters cannot be robustly assessed. It has not been satisfactorily demonstrated that the construction phase of the development would not have an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would not be severe and this therefore weighs against the scheme.

187. Whilst the development would result in some biodiversity enhancements, including new and enhanced hedgerow planting, woodland, scattered hedgerow trees, grassland and wildflower meadows, it has not been adequately demonstrated that harm to protected species is capable of being appropriately mitigated or compensated for and this also weighs against the scheme.

188. In the absence of a Minerals Assessment it is not possible to determine if the safeguarded mineral deposit on the site is being needlessly sterilised and this too weighs against the scheme.

189. On other matters I have found no policy conflict. The development would not result in a significant permanent loss of BMV agricultural land or cause unacceptable harm to the living conditions of nearby residents in terms of visual amenity, noise and disturbance or glint and glare. There would be no land or groundwater contamination, flooding or drainage or geology impacts that are not capable of being mitigated by appropriate planning conditions.

190. I acknowledge that a significant number of representations have been submitted and where they are material the matters raised have been taken into account in my assessment.

191. In my judgement the development would result in significant landscape and visual harm both in isolation and in combination with other developments. It would cause harm to the amenity and experience of users of the public rights of way and to the setting and significance of designated heritage assets, to which I must accord great weight.

192. As required by criterion (v) of Policy AB10 of the emerging A&BNP which requires the benefits of renewable energy to be proven to outweigh the landscape and environmental impacts, I am not persuaded that the harm I have identified is outweighed by the planning benefits of the proposal. I conclude that the proposals would be in conflict with the Development Plan as a whole and given my conclusion on the balance this therefore leads me to recommend that planning permission is refused in accordance with my Recommendation below.

Recommendation

Refuse on the following grounds:

1. The proposed development would result in significant adverse individual and cumulative effects on landscape character and on visual amenity that cannot be appropriately mitigated. The development would also harm the amenity and experience of users of the public rights of way network and would cause less than substantial harm to the setting of designated heritage assets. The benefits of the proposed development would not outweigh these harms. The development would therefore be contrary to policies SP1, SP6, ENV1, ENV3a, ENV5, ENV10 and ENV13 of the Ashford Local Plan, policies AB4, AB10 and AB11 of the emerging Aldington and Bonnington Neighbourhood Plan 2030 and the provisions of the National Planning Policy Framework and National Policy Statements EN-1 and EN-3.

2. By reason of the insufficient information provided regarding the potential impacts of the development on the significance of heritage assets with archaeological interest, the development would be contrary to policy ENV15 of the Ashford Local Plan 2030, policy AB11 of the emerging Aldington and Bonnington Neighbourhood Plan 2030 and the provisions of the National Planning Policy Framework.

3. By reason of the insufficient information provided regarding the management of construction vehicles during the construction phase of the development, the applicant has failed to demonstrate that the proposed development would

have an acceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe. The development would therefore be contrary to policies TRA7, TRA8 and ENV10 of the Ashford Local Plan 2030, policy AB10 of the emerging Aldington and Bonnington Neighbourhood Plan 2030 and the provisions of the National Planning Policy Framework.

4. By reason of the insufficient information provided regarding the mitigation and enhancement measures for badgers, breeding birds and brown hare, the applicant has failed to demonstrate that the proposed development would have an acceptable impact on protected species. The development would therefore be contrary to policies ENV1 and ENV10 of the Ashford Local Plan 2030, policy AB10 of the emerging Aldington and Bonnington Neighbourhood Plan 2030 and the provisions of the National Planning Policy Framework.

5. By reason of the absence of a Minerals Assessment, the applicant has failed to demonstrate that the safeguarded mineral deposit on the site is not being needlessly sterilised. The development would therefore be contrary to policy DM7 of the Kent Minerals and Waste Local Plan (2013 to 2030) as amended by the Early Partial Review (adopted 2020).