29 April 2024

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NOTIFICATION OF DECISION OF THE LOCAL PLANNING AUTHORITY
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (AS AMENDED

Case Reference	**22/00668/AS**
Site Address	**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.** ***This development is subject to an Environmental Statement**

DECISION: Planning Permission is REFUSED for the following reasons:

Refusal Reasons:

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, policyAB10 of the emerging Aldington and Bonnington Neighbourhood Plan 2030 and theprovisions 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 acceptableimpact 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 ofthe 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 ofthe Kent Minerals and Waste Local Plan (2013 to 2030) as amended by the Early Partial Review (adopted 2020).

Informatives:

- The following drawings and documents have been marked as refused as part of this determination

Description	Date
Environmental Statement (Volumes 1-4)	27 April 2022
Supplementary Environmental Information (Volumes 1-4)	15 January 2024

Signed



Simon Cole
Assistant Director - Planning and Development

REFUSAL OF PLANNING PERMISSION

Notes for the Applicant Appeals

1. If you are unhappy with the disclosed Decision to refuse permission, you mayappeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Any appeal must be made within 6 months of the date of decision, or 6 months from the expiry of the periodwhich the LPA had to determine the application. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and PlanningInspectorate at least 10 days before submitting the appeal. You can notify the Planning Inspectorate via email at:-(inquiryappeals@planninginspectorate.gov.uk). Further details are available onwww.gov.uk However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:·28 days from the date of the LPAdecision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.·28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond6 months). NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longerperiod with the LPA, the time limit runs from that date. The necessary form is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay,Bristol BS1 6PN or by telephoning on:-0303 444 5000 or via their website: www.planning-inspectorate.gov.uk/pins/index.htm A longer period for the giving of notice of an appeal may be allowed by the Planning Inspectorate but normally asks what special circumstances there are which excuse the delay in giving notice of an appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Borough Council.

Beneficial Use

2. If permission to develop land is granted subject to conditions, whether by the Borough Council or by the Secretary of State and you, as owner of the land, claim that it has become incapable of reasonable beneficial use, you may serve on the Borough Council a Purchase Notice requiring the Borough Council to purchase your interest in the land in accordance with the provision of Part IV of the Town and Country Planning Act 1990. Before following this course of action it is suggested that you seek the advice of a Planning Consultant or a Solicitor.