



Proposed Solar Farm
Land at Pitstock Farm, Sittingbourne, Kent
Planning Statement
December 2023

Prepared on behalf of Voltalia UK Ltd



Document Control Sheet

Project Name: Proposed Solar Farm, Land at Pitstock Farm, Sittingbourne, Kent

Project Ref: 34698/A5/PD/MW/PS

Report Title: Land at Pitstock Farm, Sittingbourne, Kent

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1 INTRODUCTION

1.1.1 This Planning Statement has been prepared by Stantec on behalf of Voltalia UK Ltd (the Applicant) to accompany a full planning application for the following at Land at Pitstock Farm, Sittingbourne, Kent (the Site).

1.1.2 Planning consent is being sought for the following description of development ('The Development'):

“Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with inverter/transformer units, control house, substations, onsite grid connection equipment, storage containers, site access, access gates, internal access tracks, security measures, other ancillary infrastructure, and landscaping and biodiversity enhancement.”

1.1.3 The Development comprises the construction, operation, management and decommissioning of a grid connected solar farm with associated infrastructure (the 'generating station') to provide a reliable source of clean renewable energy for local consumers via the Distribution Network Operator (DNO) grid network.

1.1.4 The Proposed Development would contribute to local and national 'Net Zero' targets with an export capacity of up to 41 Megawatts (MW) of renewable energy at peak operation and is proposed for a 40 year period. The annual output of the generating station will provide energy for approximately 14,500 homes, which is equivalent to just under 10% of all residents of Swale Borough (based on the estimate that the typical household in England, Scotland and Wales uses 2,700 kWh of electricity. Ofgem (n.d.) Average Gas and Electricity Usage).

1.1.5 The Statement sets out the planning policy context relating to the benefits and acceptability of the principle of the Development, assessed against the design principles and concepts that have been applied, and how environmental issues relating to the Development are addressed.

1.1.6 Whilst the Planning Statement is set out to be read as a standalone document, it should be read in the context of the entire submission documentation in order to fully understand the Development its potential impacts and planning merits. Table 1.1 outlines the accompanying documents to this planning application, whilst Table 1.2 outlines the supporting plans.

Table 1.1: Document List

Plan / Document	Reference
Plans	
Site Location Plan	PTI01-001
Site Location and Land Ownership Plan	PTI01-002
Site Layout Plan	PTI01_DV_EL_DRA_GEN_IMP-01-03
Inverter	003C
Transformer Elevation	003B
CCTV Detail	PTI01-DV_SEC_411_02_00
Customer Substation Detail	PTI01-DV_HV_201_02_00
DNO Substation	PTI01-DV_HV_101_02_00

Storage Container Detail	PTI01-DV_CS_402_02_00
Fence And Gate Detail	PTI01-DV_CS_202_02_00
Array Detail	PTI01-DV_CS_105_02_00
Control House	NOR01-DV_HV_101_02_00
Access Track Detail	NTW01-SD-03_rev01
Site Context Plan	LN-LP-01 Rev A
Topography Plan	LN-LP-02 Rev A
Landscape Character Plan	LN-LP-03 Rev A
Site Appraisal Plan	LN-LP-04 Rev A
Visual Appraisal Plan	LN-LP-05 Rev A
Landscape Strategy Plan	LN-LP-06 Rev C
Documents	
Planning Application Form	N/A
CIL Form	N/A
Planning Statement	34698/A5/PD/MW
Design and Access Statement	34698/A5/MW
Alternative Site Assessment	34698/A5/MW
Statement of Community Involvement	SCI 347
Landscape Visual Impact Assessment (and Appendices)	34698/A5
Glint and Glare Assessment	11984A v2
Flood Risk Assessment	V066-DOC01-FRA-Issue 2
Transport Statement	2211-070/TS/01
Construction Traffic Management Plan	2211-070/CTMP/01
Noise Impact Assessment	PIT_005_22-577
Arboricultural Impact Assessment	5379
Agricultural Considerations Report	PIT_010_KCC3538
ALC and Framework Soil Management Plan	PIT_009_C998_v2
Heritage Desk Based Assessment	33313469800/A5/P1/LK.HC Rev 2
Archaeological geophysical survey	23/104
Ecological Impact Assessment	EclA 8149 v2
Landscape and Ecological Management Plan	LEMP 8149 v2
BNG Report	BNG 8149 v2
Mineral Safeguarding Assessment (and Appendices)	PIT_007_Pitstock MSA
Phase 1 Contaminated Land Report	CRM.396.006.GE.R.001

1.2 About the Applicant

- 1.2.1 **Experienced.** Founded in 2005 Voltalia is an experienced global renewable energy developer and Independent Power Producer (IPP) that specialises in solar, wind, hydro, biomass and storage. Operating in the UK since 2012, Voltalia has been responsible for the installation of 23 UK solar farms with a total capacity of over 246 Megawatts (MW) and is due to complete a further 196 MW across 4 solar farm sites in the coming year.
- 1.2.2 **Considerate.** Voltalia is a global company that understands the world is local. This is reflected in their approach to renewable energy development. Voltalia UK builds, owns, and operates the solar farms it develops as an IPP. This means that Voltalia makes a long-term commitment to every community in which it operates. Voltalia is committed to being a considerate neighbour and making a positive contribution wherever their sites are located.
- 1.2.3 **Collaborative.** The UK is facing a climate and energy crisis, which will require us all to play our part. As an experienced and established global company, Voltalia is focused on providing renewable energy schemes to help decarbonise the UK's electricity generation and combat the climate crisis by supplying an affordable and renewable source of clean electricity. And, as a company dedicated to solving global challenges through local development, Voltalia understands that consultation and engagement with local communities is vital to delivering the renewable energy we all need.

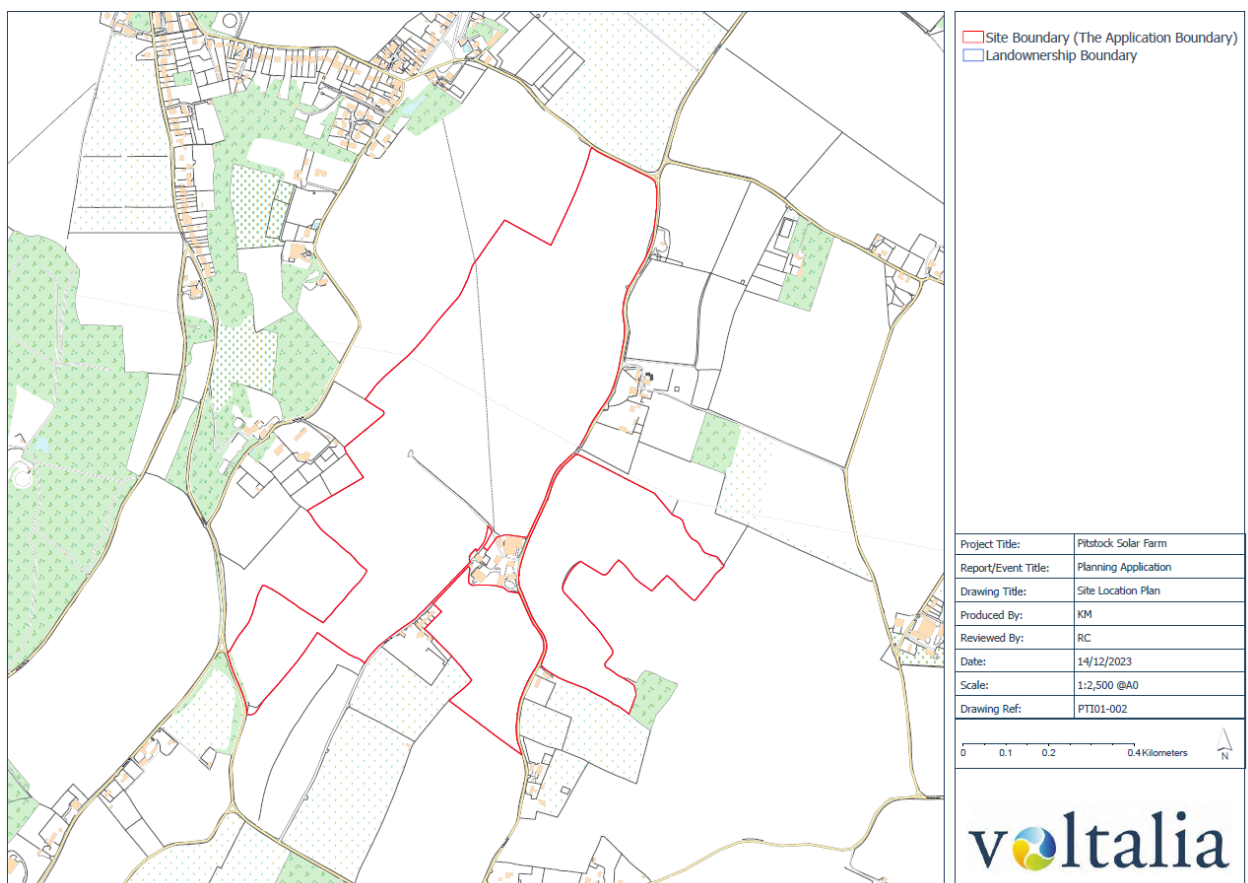
1.3 Structure

- 1.3.1 This Planning Statement provides a background to the proposal and demonstrates the planning merits of the Development, having regard to relevant National and Local Planning Policy, as set out within the Swale Borough Local Plan, confirming that planning permission should be granted for the Development.
- 1.3.2 The remaining report is structured as follows:
- Section 2.0 Site Context and Background;
 - Section 3.0 Proposed Development;
 - Section 4.0 Consultation Strategy;
 - Section 5.0 Planning Policy Context;
 - Section 6.0 Planning Assessment; and
 - Section 7.0 Conclusions.

2 SITE CONTEXT AND BACKGROUND

- 2.1.1 The Site extends to 64.89ha and is located approximately 490m to the south-west of the village of Rodersham Green, approximately 1.5km to the south-west of the village of Rodersham, approximately 450m to the south-east to the village of Newbury and approximately 550m to the north of the village of Dungate.
- 2.1.2 The Site is wholly within the jurisdiction of Swale Borough Council as the Local Planning Authority. The Site is fully within the Rodersham Civil Parish (CP) with Milstead CP adjoining the sites south-west boundary. The parish of Tonge is approximately 410m to the east, whilst Milstead and Lynsted with Kingsdown bound the site to the south and southeast respectively.

Figure 1 – Site Location Plan



- 2.1.3 The Site is currently in agricultural use, consisting primarily of arable fields separated by hedgerows and drainage ditches. The site is bound by Green Lane to the north; agricultural fields and Pitstock Road to the north and east; agricultural fields, Penfield Lane and Slough Road to the south; and further agricultural fields to the west. The M2 motorway is approximately 700m to the south of the site. Small groups of residential properties are located adjacent to the north-eastern, south-eastern, southern, and western extents of the site. Pitstock Road bisects the northern area of the site in a north-south direction; until it meets an area comprising farm buildings / sheds that is central to but excluded from the site.

- 2.1.4 The Site is affected by the presence of electrical infrastructure (pylons, overhead lines) and surrounded by numerous anthropogenic influences including small settlements and various agricultural and commercial enterprises.
- 2.1.5 The MJV Design & Development facility and Attitude Racing Kent building are central to the Site, adjoining the Sites eastern boundary and Site access from both Pitstock Road and Penfield Lane. New House Farm and associated arable land bounds the Site to the south/ southeast.
- 2.1.6 There is one Public Right of Way (PRoW) (ref. 0211/ZR212/1) that crosses the northern extent of the site in a north to east direction and finishes adjacent to the west of the farm buildings/ sheds that are excluded from the centre of the site.
- 2.1.7 The main vehicular accesses to the Site are from Penfield Lane and Pitstock Road.
- 2.1.8 The UK Government 'Flood Map for Planning'ⁱ indicates that the majority of the site lies within Flood Zone 1 (<0.1% chance of flooding from rivers or sea in any given year). Bands of Flood Zone 2 and 3 (≥1% chance of flooding from rivers in any given year) are located in the central and eastern areas of the site.
- 2.1.9 There are no Scheduled Monuments, World Heritage Sites, Registered Battlefields, or Registered Parks and Gardens on, or within 5km of the site.
- 2.1.10 The nearest conservation area to the site is Rodmersham Green located approximately 500m to the west and which contains the six Grade II Listed Buildings marked with an asterisk (*) in paragraph 2.1.11 below.
- 2.1.11 Several Grade II Listed Buildings are within 1km of the site, the closest of which are set out below. Distances are approximate measures from the site boundary:
- Dungate House, 90m to the south;
 - The Forge, 290m to the south;
 - Baker Cottages, 325m to the north-west*;
 - Pardoners Cottage, 330m to the north-west*;
 - Holly Tree Lodge, 335m to the north-west*;
 - Victoria House, 340m to the north-west*;
 - Orsett House, 340m to the north-west*;
 - Vine Cottages, 345m to the north-west*;
 - Barn at Dungate, 380m to the south;
 - Lion Farmhouse, 545m to the south-west; and
 - Hill Farm, 600m to the east.
- 2.1.12 The Kent Downs Area of Outstanding Natural Beauty (AONB) lies approximately 810m to the southwest. There are no other designated or otherwise protected landscapes in proximity.

2.1.13 The Elmsley Nature Reserve is located approximately 3.8km north of the site. There are no other statutory environmental designations within a 4km radius.

2.2 Planning History

2.2.1 An Environmental Impact Assessment (EIA) screening report and request was submitted to the Council in October 2023 in regard to the Proposed Development(23/504540/ENVSCR). The LPA undertook the Screening Opinion taking account of the criteria set out in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). In November 2023, the LPA decided that an EIA for the proposals was not required. The EIA Screening Opinion and accompanying report can be viewed under **Appendix A**. it states:

'The primary impacts of the Proposed Development would be to the character and appearance of the rural landscape and, to a degree, the setting of the Kent Downs Area of Outstanding Natural Beauty, the setting of heritage assets / archaeology, and visual impact.

Elements of the scheme could result in some glint and glare considerations from the panels and low-level noise from substations.

The impacts above are not considered to be so significant that the development would represent EIA development. The impacts highlighted above could be appropriately considered through technical documentation submitted with any forthcoming application for planning permission.'

2.2.2 There is no other relevant planning history with regards to the Site.

3 PROPOSED DEVELOPMENT

3.1.1 The Proposed Development is a renewable energy generating station comprising ground-mounted solar photovoltaic arrays together with ancillary infrastructure and landscaping and biodiversity enhancements on land at Pitstock Farm. The solar farm will have an export capacity of up to 41MW of renewable electricity at peak operation and is proposed for an up to 40-year period. A suite of detailed drawings accompanies this submission as per Table 1.2 and a detailed description of the elements of the development is provided within the DAS. The description of development is as follows:

“Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with inverter/transformer units, control house, substations, onsite grid connection equipment, storage containers, site access, access gates, internal access tracks, security measures, other ancillary infrastructure, and landscaping and biodiversity enhancement.”

3.1.2 The arrays will be tilted at an angle and approximately 3.4m in height at the highest point. The arrays will be elevated on metal poles directly piled or screwed into the ground, typically at a depth of 1m to 2.5m depending on ground conditions. The arrays will be 3m to 11m apart (back-to-front) depending on ground conditions to avoid inter-shading, allowing for any slope and aspect of the site, and for effective maintenance. New hardstanding will be limited to ancillary infrastructure such as the control room and inverters. Overall, the Proposed Development is expected to incorporate the following components:

- Fixed tilt arrays, mounted on metal frames, inserted into the ground at a depth typically 1m to 2.5m into the ground. The lower edge of the panel is typically 0.8m from the ground, with upper edge or panel up to approximately 3.4m height from the ground;
- 7 transformer units, each unit measuring c. 6m x 2.4m x 2.8m. (LxWxH) and housed within pre-fabricated metal containers that are typically finished in a grey or green colour.
- 2 storage single module metal container units measuring c. 12.1m x 2.4m x 2.6m (LxWxH).
- A Distribution Network Operator (DNO) control house measuring c. 7m x 4m x 4.1m (LxWxH) most likely a pre-fabricated metal kiosk, typically finished in a grey or green colour.
- A customer substation measuring c. 6m x 2.4m x 3m. (LxWxH), most likely a pre-fabricated metal kiosk, typically finished in a grey or green colour;
- A customer control station unit, all measuring c.7m x 4m x 4.1m (LxWxH) most likely a pre-fabricated metal kiosk, typically finished in a grey or green colour.
- A typical 2m height security fence/deer fence or similar, as appropriate to the rural location and local wildlife;
- Inwards-facing CCTV and Infrared security systems; and
- Access tracks c. 4m wide atop a geogrid stabilisation mesh and compacted soil base.

4 CONSULTATION STRATEGY

4.1 Statement of Community Involvement

4.1.1 The Swale Borough Council Statement of Community Involvement (SCI) sets out how the community can get involved in the preparation of local planning policy documents and in decisions on planning applications.

4.1.2 The SCI Statement 1 – Our General Principles to Consultation states the following:

‘By ‘involvement’ we mean any interaction between our planning team and the community, which can occur on a number of different levels:

Participation—*active involvement in identifying needs and priorities, such as workshops;*

Consultation—*consulting the community on their views, such as through on-line consultation processes and surveys;*

Information—*providing information, such as adverts in newspapers, notices on Swale’s website and publishing reports.*

Wherever it is appropriate to do so, we will apply the above general principles to community involvement in all of our planning decisions. We will also encourage other organisations that involve the community in planning processes to adopt these principles. For example, Town/Parish Councils consultations when producing Neighbourhood Plans and developers’ consultation events prior to the submission of their planning applications for major planning applications.’

4.2 Pre-Application Engagement

4.2.1 The SCI states that the Council strongly advise engaging in pre-application advice prior to the submission of an application. As such, the applicant engaged in pre-application discussions with the LPA.

4.2.2 The meeting took place on the 3rd May, 2023. Within the meeting it agreed that there is a great need for alternative energy operations to come forward during a time of energy and climate crisis, with the Council also agreeing that that the Proposed Development aligns with the Council’s commitment to meeting Net Zero targets and assisting the Borough’s transition to renewable energy.

4.2.3 The Council representatives stated that they believe the Proposed Development appears to satisfy Policy ST1 and that the development would be supported in principle where policies DM20: Renewable and low carbon energy, DM24: Conserving and enhancing valued landscapes and DM31: Agricultural Land are satisfied. It was agreed that the main matter to be considered in the application submission was the presence of BMV and visual impacts and that there were no other potential policy conflicts, subject to technical studies being to support the application.

4.2.4 The Alternative Sites Assessment (ASA) methodology was also agreed within the meeting. The following methodology was suggested:

1. *Defining the grid connection location and identification of the study area, being the same distance in all directions, approx. 8km radius;*
2. *An agreed hierarchy of environmental constraints, such as Green Belt, SSSI, AONB and Flood Zones;*

-
3. *Agreement on how to formulate a list of sites sourced from the Swale Borough Brownfield Land Register, Strategic Housing Availability Assessment, Employment Land Study, Local Plan allocations, EGi and by contacting local land agents;*
 4. *Assessing the sites on the short list based on agreed parameters with a minimum site threshold of a similar size as this amount of land is required to sufficiently accommodate the scale of the Solar Farm being applied for.*

4.2.5 It was agreed that due to the nature of solar farms requiring a grid connection, and that the distance from this grid connection being a significant consideration in terms of project viability, that an 8km radius based around the point of connection would be used for the ASA.

4.3 Public Consultation

- 4.3.1 A three-week public consultation was held from Monday 6th November to Sunday 26th November 2023. In line with guidance on consultation length from Swale Borough Council, it was felt that a three-week consultation period would allow plenty of time for interested parties to engage with the proposals, ask questions, and provide their feedback.
- 4.3.2 The Applicant held two public consultation events during the consultation period. This gave local residents, local businesses, community groups and other interested parties multiple opportunities to meet with the project team and learn about the proposals.
- 4.3.3 One event was held at Rodmersham Village Hall and one at Bapchild Village Hall.
- 4.3.4 As well as a number of local residents, representatives from Rodmersham, Bapchild and Tonge Parish Councils attended the events, and someone from the local ramblers association.
- 4.3.5 A total of 60 people attended the event across both days and locations. Feedback forms were available at the event for attendees to fill out if desired.
- 4.3.6 Out of the eight feedback forms, five consultees expressed their support for the use of solar energy as a means of generating electricity; one consultee stated “No”, and two clarified that solar should only be used on appropriate sites, such as wasteland – they have therefore been classed as ‘Unsure.’
- 4.3.7 The principal issues raised by attendees was in relation to views of the site from the wider area, public rights of way, and construction traffic.
- 4.3.8 Further and more detailed information of the public consultation strategy is included within the Statement of Community Involvement which is submitted with this application. The SCI provides an overview of the Applicant’s public consultation which has been conducted in accordance with national and local policy and industry best practice.

5 PLANNING POLICY CONTEXT

- 5.1.1 Section 70 (2) of the Town and Country Planning Act and Section 38 (6) of the Planning and Compulsory Purchase Act 2004 together require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.1.2 The Site is located within the administrative boundary of Swale Borough Council.
- 5.1.3 For the purposes of this application the Development Plan comprises:
- The Swale Borough Local Plan (Adopted 2017)
 - The Faversham Creek Neighbourhood Plan (2012)
 - The Swale Borough Council Climate Emergency (2019)
- 5.1.4 The following section identifies the above Local Development Framework (LDF) policies and material considerations relevant to this application. An assessment of the Proposed Development against the relevant policies is set out in Section 6.0.
- 5.1.5 Additional material policy considerations for the Proposed Development are derived from global and national energy policy and planning policy as set out in National Policy Statements (NPS), the National Planning Policy Framework (NPPF) (September 2023), and the online Planning Policy Guidance (PPG) advice on renewable and low carbon energy.

5.2 Local Planning Policy

- 5.2.1 The Local Development Plan (LDP) sets out the policies and proposals for the development and use of land in Swale Borough Council. The LDP comprises the following:
- The Swale Borough Local Plan (Adopted 2017)
 - Swale Borough Council Climate Emergency (2019)
- 5.2.2 The following section will identify the key planning policies that will need to be considered for the development of the Site for a solar farm. In particular, focus will be given to policies relating to renewable energy; the Site's location within the open countryside; and the potential environmental, ecological, and landscape issues relevant to the Development.

SBC Local Plan 2017

- 5.2.3 The following policies within the Local Plan 2017 are relevant to the Development:
- ST 1 – Delivering sustainable development in Swale.
 - CP 4 – Requiring good design.
 - CP 7 – Conserving and enhancing the natural environment.
 - CP 8 – Conserving and enhancing the historic environment.
 - DM 14 – General development criteria.
 - DM 20 – Renewable and low carbon energy.
 - DM 24 – Conserving and enhancing valued landscapes.

- DM 28 - Biodiversity and geological conservation.
- DM 29 – Woodlands, trees and hedges.
- DM 31 – Agricultural Land

5.2.4 Of particular relevance to the Proposed Development is Policy DM 20 (renewable and low carbon energy) which includes a presumption to grant permission for the development of renewable energy sources where policy criteria are satisfied. Policy DM 20 states:

Planning permission will be granted for the development of renewable and low carbon energy sources where:

1. *Analysis of all impacts and methods to avoid and mitigate harm from these impacts is fully addressed in any planning application for such proposals;*
2. *Demonstrating how opportunities highlighted in the Boroughs Energy Opportunities Map have been exploited, in particular in the delivery of district heating, where shown to be financially viable and technically feasible;*
3. *Priority will be given to development on previously developed land or buildings and proposals which incorporate renewable, decentralised and low carbon energy as integral to new commercial or residential schemes;*
4. *For schemes on agricultural land, it has been demonstrated that poorer quality land has been used in preference to higher quality. In exceptional cases, where schemes are demonstrated as necessary on agricultural land, that they fully explore options for continued agricultural use;*
5. *Opportunities to enhance biodiversity are exploited;*
6. *Landscape, visual and heritage impacts as well as impacts on geology, soils, and flood risk, including cumulative impacts, are minimised and mitigated to acceptable levels;*
7. *Impacts on residential amenity and safety, including noise, air quality, tranquillity and transport are minimised and mitigated to acceptable levels;*
8. *Applications demonstrate evidence of local community involvement and/or leadership;*
9. *All relevant plans, policies, appraisals and associated guidance, including landscape appraisals and designations and biodiversity management plans, are referenced in any planning application to ascertain the appropriate type and scale of development for any particular location; and*
10. *In cases of temporary planning permission, detailed proposals for the restoration of the site at the end of its functional life are set out as part of any application.*

5.2.5 Policy ST1 outlines the need to deliver sustainable development in Swale. As part of this target, part 10 references the need to meet the challenge of climate change through the promotion of sustainable design and construction, the expansion of renewable energy, the efficient use of natural resources and the management of emissions.

5.2.6 Policy CP4 requires all development proposals to:

- *'Create safe, accessible, comfortable, varied and attractive places;*

- *Enrich the qualities of the existing environment by promoting and reinforcing local distinctiveness and strengthening sense of place;*
- *Make safe connections physically and visually both to and within developments, particularly through using landscape design and open space to retain and create green corridors for pedestrians, cyclists and biodiversity;*
- *Make efficient and prudent use of natural resources including sensitively utilising landscape features, landform, biodiversity and climate to maximise energy conservation and amenity;*
- *Retain and enhance features which contribute to local character and distinctiveness'*

5.2.7 Furthermore, Policy CP7 requires proposed developments to conserve and enhance landscape, biodiversity and local environments by:

- *'assessing and responding to landscape character, condition, sensitivity and any limitations arising from its overall capacity for change, together with the guidelines set out within the Landscape Character and Biodiversity Assessment and Guidelines and Urban Extension Landscape Capacity Study;*
- *retaining trees where possible (including old orchards and fruit trees, hedgerows, shelter belts, woodland and scrub) particularly those that make an important contribution either to the amenity, historic, landscape character or biodiversity value of the site or the surrounding area;*
- *providing a high standard of locally native plant species and trees (of local provenance and supportive of biodiversity) for soft (including green walls) landscaping in a pattern which respects the landscape character;*
- *providing hard landscaping, surface and boundary treatments that are locally distinct and that respond positively to the character of the locality; and*
- *provide features and management intended to encourage biodiversity.'*

5.2.8 Policy CP 7 seeks to ensure the protection, enhancement and delivery of the Swale natural assets and green infrastructure network.

5.2.9 Policy CP 8 is concerned with conserving and enhancing the historic environment. Under this Policy, development must enhance and sustain the boroughs designated and non-designated heritage assets, and more specifically, *'respect the integrity of heritage assets while meeting the challenges of a low carbon future'*. Thus, renewable energy development must be sympathetic to heritage assets.

5.2.10 Policy DM 14 sets out the general development criteria for development proposals, including a need for proposals to:

- *'Reflect the positive characteristics and features of the site and locality';*
- *'Be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location'; and*
- *'Cause no significant harm to amenity and other sensitive uses or areas'.*

5.2.11 Policy DM 24 (conserving and enhancing valued landscapes) requires the protection and enhancement of the value, character, amenity and tranquillity of the Boroughs landscapes. For all landscapes this

requires the scale, layout, build and landscape design of development to be informed by landscape and visual impact assessments having regard to the Council's Urban Extension Landscape Capacity Study and Landscape Character and Biodiversity Appraisal SPD, including, as appropriate, their guidelines, and the key characteristics, sensitivity, condition and capacity of character area(s)/landscapes, taking opportunities to enhance the landscape where possible, including the removal of visually intrusive features.

5.2.12 Policy DM 28 sets out the Council's requirements with regards to biodiversity and geological conservation for development proposals:

"Development proposals will:

1. Apply national planning policy in respect of the preservation, restoration and re-creation of: a. the habitats, species and targets in UK and local Biodiversity Action Plans and Biodiversity Strategies; b. linear and continuous landscape features or those acting as stepping-stones for biodiversity; c. aged or veteran trees and irreplaceable habitat, including ancient woodland and traditional orchards;

2. Be informed by and further the guidelines and biodiversity network potential of the Council's Landscape Character and Biodiversity Assessment SPD;

3. Support, where appropriate, the vision and objectives of relevant environmental and biodiversity management and action plans; 276 Bearing Fruits 2031: The Swale Borough Local Plan 2017 7 Development management policies

4. Be accompanied by appropriate surveys undertaken to clarify constraints or requirements that may apply to development, especially where it is known or likely that development sites are used by species, and/or contain habitats, that are subject to UK or European law;

5. When significant harm cannot be avoided through consideration of alternative sites or adequate mitigation provided on-site or within the immediate locality, compensatory measures will be achieved within the relevant Biodiversity Opportunity Area, or other location as agreed by the Local Planning Authority;

6. Provide, where possible, a net gain of biodiversity overall; and

7. Actively promote the expansion of biodiversity within the design of new development and with reference to the wider natural assets and green infrastructure strategy in Policy CP7."

5.2.13 Given the presence of trees and hedges on site, Policy DM 29 seeks to ensure the protection, enhancement and sustainable management of woodlands, orchards trees and hedges. The Borough Council will:

- Ensure that development proposals take all reasonable opportunities to provide for new woodland, orchard, tree and hedge planting at a sufficient scale (with provision made for appropriate long term management) to maintain and enhance the character of the locality and provide for an attractive living and working environment;*
- Use Tree Preservation and Hedgerow Protection Orders to safeguard species which have a significant impact on the local environment and its enjoyment by the public. Where removal of trees and hedgerows is unavoidable, the Borough Council will require appropriate replacements as a condition of a planning permission.*

5.2.14 Policy DM 31 (agricultural land) states:

'Development on agricultural land will only be permitted where there is an overriding need that cannot be met on land within the built-up area boundaries. Development on best and most versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless:

1. *The site is allocated for development by the Local Plan; or*
2. *There is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and*
3. *The development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.'*

Local Plan Review

- 5.2.15 The Council are currently in the process of reviewing their 2017 adopted Local Plan. The Regulation 19 stage of the Plan was postponed in October 2022. It was anticipated that a revised Local Development Scheme (LDS) would be published in Spring 2023 however it appears no update has been posted to the Council's website.
- 5.2.16 Given the early stage of the plans review, and its subsequent delay, the 2017 Local Plan still bears most weight in the decision-making process for this proposal.

Swale Borough Council Climate Emergency

- 5.2.17 Swale Borough Council declared a Climate and Ecological Emergency on 26th June 2019 which committed the Council to a number of actions, namely, to draw attention to the urgent need for effective action to reduce carbon emissions and reverse the decline in biodiversity in Swale.
- 5.2.18 The declaration sets the goal to reduce carbon emissions from Swale's own operations and become carbon neutral by 2025, as well as aiming for net zero across the borough of Swale by 2030.

5.3 Material Considerations

Renewable Energy Planning Guidance Note 2

- 5.3.1 In 2014 SBC published an SPD document relating to the development of large-scale solar PV arrays in Swale Borough. The SPD advises the planning application consideration for solar development:
- a) Pre-Application Discussions
 - b) Environmental Impact Assessment (EIA)
 - c) Screening
 - d) Full Planning Application
 - e) Planning Application Fee
 - f) Site Levelling Works
 - g) Development in Relation to Current Land Use
 - h) Assessment of the Impact upon Agricultural Land
 - i) Ground Maintenance

j) Construction Compound

5.3.2 It highlights that the impact on agricultural land will be a significant issue in the determination of applications and that clear and compelling justification would be required on the justification on the benefits of the proposed development.

5.4 National Planning Policy

National Planning Policy Framework (NPPF) December 2023

5.4.1 The NPPF was updated in December 2023. It sets out the Government's planning policies for England and how these should be applied.

5.4.2 The NPPF emphasises the importance of sustainable development. Paragraph 7 states:

'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

5.4.3 Paragraph 8 sets out the three overarching objectives of achieving sustainable development through the planning system:

- **an economic objective** - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- **a social objective** - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.4.4 NPPF paragraph 10 advises that:

'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.'

5.4.5 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development, which for decision-taking means the following:

'c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protects areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

5.4.6 Section 14 Meeting the challenge of climate change, flooding and coastal change, Paragraph 157 states:

'The planning system should support the transition to a low carbon future in a changing climate ... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; ... and support renewable and low carbon energy and associated infrastructure.'

5.4.7 Section 15 Conserving and enhancing the natural environment, Paragraph 180, states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) 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;...*
- c) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;...*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'*

5.4.8 Paragraph 38 states that local planning authorities should approach decisions on Proposed Development in a positive and creative way. They should use the full range of planning tools available including brownfield registers and permission in principle and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.4.9 Paragraph 55 sets out how LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

5.4.10 Section 6, 'Building a strong, competitive economy' seeks to support a prosperous rural economy. Paragraph 88 sets out that planning policies should enable development and diversification of agricultural and other land-based rural businesses.

5.4.11 Paragraph 124a identifies how planning policies and decisions should encourage multiple benefits from both urban and rural land including through mixed use schemes and taking opportunities to achieve net environmental gains - such as developments that would enable new habitat creation or improve public access to the countryside.

5.4.12 Paragraph 163 sets out that, when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small scale projects provide a valuable contribution to significant cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

5.4.13 Paragraph 180 advises that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts and seeking biodiversity net gains.

5.4.14 NPPF Paragraph 6 notes that other statements of government policy may be material when preparing plans or deciding applications such as relevant Written Ministerial Statements and endorsed recommendation of the National Infrastructure Commission. As such, NPS for Energy (EN-1) and the NPS for Renewable Energy Infrastructure (EN-3) are part of national planning policy and are material considerations in the determination of this application.

National Policy Statements (NPS) for Energy Infrastructure

5.4.15 The NPS provide planning guidance for developers of nationally significant energy infrastructure projects. The NPS was originally published in 2011 and has been revised in November 2023.

NPS EN-1

5.4.16 NPS EN-1 covers overarching National Policy Statements for Energy. Paragraph 1.2.1 confirms that *“In England and Wales this NPS is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended)”*.

5.4.17 EN-1 clearly sets out the need for new low carbon energy infrastructure to contribute to climate change mitigation. Paragraph 3.3.19 highlights that *‘given the changing nature of the energy landscape, we need a diverse mix of electricity infrastructure to come forward, so that we can deliver a secure, reliable, affordable, and net zero consistent system during the transition to 2050 for a wide range of demand, decarbonisation, and technology scenarios.’* EN-1 then goes on to state that wind and solar are the lowest cost ways of *‘generating electricity, helping reduce costs and providing a clean and secure source of electricity supply’*.

5.4.18 At Paragraph 4.1.7, the NPS advises that while applicants are required to mitigate particular impacts of renewable energy development as far as possible, it considers that there would still be residual adverse effects after the implementation of such mitigation measures, and that these residual adverse effects should be weighed against the benefit of the proposed development.

5.4.19 Section 5.10 of EN-1 considers Landscape and Visual Impact. It highlights *‘virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation’*. It also goes on to state that it needs to be considered whether any adverse impact on the landscape is temporary and will be capable of being reversed.

5.4.20 Section 5.11 of EN-1 is in regard to Land use. It states that applicants should preferably use land in areas of poorer agricultural quality and where schemes are sited on BMV land, it should be demonstrated to be necessary (as has been done within the ASA submitted with this application).

NPS EN-3

5.4.21 NPS EN-3 provides more specific information on renewable energy infrastructure,

5.4.22 EN-3 contains a section dedicated to solar photovoltaic generation (section 2.10). At paragraph 2.10.13 EN-3 recognises solar farms as one of the most established renewable electricity technologies in the UK, and the cheapest form of electricity generation.

5.4.23 EN-3 details factors that should influence site selection by applicants, these are:

- Irradiance and site topography
- Network connection
- Proximity of a site to dwellings
- Agriculture land classification and land type
- Accessibility
- Public rights of ways

-
- Security and lighting

5.4.24 EN-3 highlights within sections 2.1.24 and 2.10.25, that *‘the connection voltage, availability of network capacity, and the distance from the solar farm to the existing network can have a significant effect on the 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.’* This demonstrates the importance of proximity to a network connection in selecting a site.

5.4.25 Regarding agricultural land classification, EN-3 states within paragraph 2.10.29 that ‘land type **should not** be a predominating factor in determining the suitability of the site location’ (our emphasis). Paragraph 2.10.31 goes on to state that it is recognised that for large scale projects, it is likely development will use some agricultural land, and that applicants should explain their choice of site.

5.4.26 Regarding visual impact and residential amenity, EN-3 paragraph 2.1.95 states that due to their nature, solar farms are likely to be in *‘low lying areas of good exposure and as such may have a wider zone of visual influence’* but that with effective screening, the impact could be minimised.

Planning Practice Guidance (PPG)

5.4.27 Planning Practice Guidance (PPG) (launched in March 2014) is a web – based resource, which brings together planning guidance on various topics together. In June 2015, guidance was published on renewable and low carbon energy. The guidance sets out why planning for renewable and low carbon energy is important explains that:

“Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environment impact is acceptable” (paragraph: 001 Reference ID: 5-001-20140306).”

5.4.28 PPG paragraph: 010 (reference ID: 5-010-20140306) states renewable energy developments should be acceptable for their proposed location. Along with factors applicable to acceptability for any form of renewable energy development, there are considerations for each technology.

5.4.29 PPG paragraph 013 (Reference ID: 5 – 013 – 20150327) states that the visual impact of a well-planned and well-screened solar park can be properly addressed within the landscape if planned sensitively. Factors include:

- *Encouraging the effective use of land by focussing large scale solar parks on previously developed and non-agricultural land, if it is not of high environmental value;*
- *Where a proposal involves greenfield land, whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays;*
- *That solar parks are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *The proposal’s visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*

- *The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *The need for, and impact of, security measures such as lights and fencing;*
- *Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar parks on such assets. Depending on their scale, design and prominence, a large-scale solar park within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *The energy generating potential, which can vary for several reasons including, latitude and aspect.*

5.4.30 Paragraph: 013 goes on to state,

'The approach to assessing cumulative landscape and visual impact of large-scale solar parks is likely to be the same as assessing the impact of wind turbines. However, in the case of ground mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.'

Kyoto Protocol (2005)

5.4.31 It is widely accepted that greenhouse gas emissions need to be significantly reduced. In 2005, the Kyoto Protocol came into effect providing the first ever framework for international climate action. Under the Protocol, the United Kingdom, together with 37 other industrialised countries, committed to reducing greenhouse gas emissions by 5.2% from 1990 levels by the year 2012.

UN Framework Convention on Climate Change: The Paris Agreement (2015)

5.4.32 The central aim of the Paris Agreement is to strengthen the global response to the threat of climate change by keeping a global temperature rise below 2 degrees and to pursue efforts to limit the temperature increase even further to 1.5 degrees. Additionally, it aims to strengthen the ability of countries to deal with the impacts of climate change. To reach these ambitious goals appropriate financial flows, a new technology framework, and an enhanced capacity building framework will be put in place, thus supporting action by developing countries and the most vulnerable countries, in line with their own national objectives. The Agreement also provides for enhanced transparency of action and support through a more robust framework.

Climate Change Act (2008) - Net Zero 2050 (2019)

5.4.33 The Climate Change Act (2008) (2050 Target Amendment) Order 2019 sets a legally binding target for reducing greenhouse gas ('GHG') emissions, in particular carbon dioxide ('CO₂'). As originally enacted, these targets include a reduction of GHG by 100% (on 1990 levels) by 2050 and a requirement that domestic emissions are reduced by no less than 3% each year. In setting these targets, the Act established the Committee for Climate Change ('CCC'), which is responsible for setting interim binding targets over five-year periods.

5.4.34 In May 2019, the CCC recommend a new emissions target for the UK: a 100% reduction ('net zero') of emissions by 2050. This change in legislation mandating a 100% reduction in CO₂ emissions by 2050 was approved by the House of Commons on 24th June 2019 and the House of Lords on 26th June 2019 and is now the Government's statutory carbon reduction obligation.

5.4.35 Chapter 6 of CCC's 'Net Zero – The UK's Contribution to stopping global warming report refers to delivering a net zero emissions target. It sets out actions, including the transition to a net zero economy and what is needed to underpin net zero delivery. 'Part B' sets out key near-term actions to put the UK on track and recommends that more rapid electrification must be accompanied by greater build rates of low carbon generation capacity, accompanied by measures to enhance the flexibility of the electricity system.

IPCC Special Report on Global Warming of 1.5°C (2018)

5.4.36 An IPCC Special Report was prepared discussing the potential impacts of global warming of 1.5°C above pre-industrial levels and related global GHG emission pathways in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty. The report sets out that pathways limiting global warming to 1.5°C with no or limited overshoot requires rapid and far-reaching transitions in energy, land, and infrastructure, and deep emissions reductions in all sectors. A 'wide portfolio' of mitigation options and a significant upscaling of investments in those mitigation options is needed.

Climate Emergency Declaration (June 2019)

5.4.37 In June 2019 the United Kingdom (UK) became the first country to declare a climate emergency and legislate long-term climate targets. The resultant legislation amended the Climate Change Act 2008 (c.27) and introduced a legally binding target to achieve 'net zero' by 2050. Paragraph 1 of the Climate Change Act (as amended) sets out the target to 2050 and states that: "it is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline (which means the aggregate amount of net UK emissions of carbon dioxide for that year and net UK emissions of each of the other targeted greenhouse gases for the year that is the base year for that gas)".

National Infrastructure Strategy – Fairer, Faster and Greener (November 2020)

5.4.38 The National Infrastructure Strategy (NIS) sets out the Government's plans to deliver on its ambition, being 'deliver an infrastructure revolution: a radical improvement in the quality of the UK's infrastructure to help level up the country, strengthen the Union, and put the UK on the path to net zero emissions by 2050' .

5.4.39 The NIS is relevant to the Development as it sets out how the Government will address the issues we face and how it will build back fairer, faster and greener. The NIS aims to provide investors with clarity over the Government's plans so they can look at the UK with confidence and help deliver the upgrades and projects needed across the country.

Energy White Paper (December 2020)

5.4.40 'The Energy White Paper – Powering our Net Zero Future' (the 'White Paper') was published as a long-term strategic vision for the UK energy system. It establishes the Government's goal of a decisive shift from fossil fuels to clean energy in power, buildings, and industry, whilst creating jobs and growing the economy. The White Paper is clear that: "Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind." Renewable energy generation from solar has been identified by the White Paper as a key element of the future energy mix in the UK. It states that the UK

needs: "...sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios."

Net Zero Strategy: Build Back Greener (October 2021) (December 2020)

- 5.4.41 The Net Zero Strategy sets out policies and proposals which ensure the UK is in accordance with upcoming carbon budgets and Nationally Determined Contributions ('NDC'). NDCs provide a mechanism for countries to voluntarily impose national emission limits under the Paris Agreement. The strategy seeks to realise a decarbonised economy by 2050.

British Energy Security Strategy (April 2022)

- 5.4.42 The British Energy Security Strategy (BESS) sets out how the UK intends to secure clean and affordable energy for the 'long-term'. Realising the strategy requires 70GW of solar generation capacity by 2035. This is a significant increase from the 13.7GW of solar as of February 2022.
- 5.4.43 Over the last five-year period until the publication of the BESS, the UK increased its solar capacity by only an estimated 1.8GW, highlighting the extraordinary need for a significant increase in the deployment of decentralised solar energy schemes of the proposed Development's scale if the BESS targets are to be met. The BESS offers clear support for solar development that is co-located with other functions to maximise the efficiency of land use – this includes dual solar and agricultural land use. Energy Security Bill (July 2022)
- 5.4.44 The Energy Security Bill builds upon the British Energy Security Strategy to invest in homegrown energy and maintain the diversity and resilience of the UK's energy supply. The Bill establishes the need to accelerate the growth of low-carbon technologies.

6 PLANNING ASSESSMENT

- 6.1.1 This section provides a planning assessment that goes beyond policy commentary. It discusses the principle of development, topic-specific considerations, and provides a robust case for why and how the scheme represents a form of sustainable development.
- 6.1.2 The proposed solar PV installation at Pitstock Farm has been informed by a series of technical assessments and through consultation with Council Officers, Parish Council members and the local community. The findings of the assessments undertaken are presented in the relevant technical reports as listed in Table 1.1.
- 6.1.3 To demonstrate how the proposals respond to these matters, this section of the Statement sets out the key topics arising from this informative work and in doing so, demonstrates the compliance of the application with the relevant planning policy context.
- 6.1.4 This section contains a detailed analysis of the Development against the identified relevant national and local planning policies and other material planning considerations. Key issues for the determination of the application that are assessed in this section are as follows:
- The Principle of Development as Renewable Energy;
 - Other Material Considerations;
 - Use of Agricultural Land;
 - Landscape and Visual Impacts;
 - Cultural and Heritage Impacts;
 - Ecology & Biodiversity Impacts;
 - Trees;
 - Impacts on Environmental Health and Amenity;
 - Noise
 - Glint and Glare
 - Air quality
 - Transport Impacts and Access;
 - The Development as Sustainable Development
 - Minerals

6.2 The Principle of the Development as Renewable Energy

- 6.2.1 The developments contribution of 41MW of clean renewable electricity is a significant contribution to meeting both national and local renewable energy targets. It is a significant environmental benefit, meeting the electrical needs of approximately 14,384 homes. This provides a CO₂ displacement of 35,681 tonnes compared to the same energy from fossil fuel sources. This is being provided at a time of Climate Emergency.
- 6.2.2 Moreover, the development would feed energy into the local DNO grid (as opposed to the National Grid transmission network) which means it would provide clean electricity directly to the immediate locality.
- 6.2.3 This therefore directly contributes to SBC energy security and climate change targets, whilst also helping to reduce national emissions. The development will be delivering quantifiable benefits at a local level, and offsetting emissions associated with centralised power from plants that rely on fossil fuels.
- 6.2.4 National policy is strongly supportive of renewable energy as a means of meeting our increasing energy demands, tackling climate change, addressing supply security, and transitioning to a sustainable low carbon economy. Privately funded, large scale solar developments such as this are recognised as being not just necessary but central to meeting an urgent need. Indeed, the NPS EN-1

highlights how a diverse mix of electricity infrastructure is required in order to deliver a secure, reliable and affordable energy system.

- 6.2.5 There is no requirement within national or local policy to demonstrate the need for renewable energy. The urgency of the need for substantially greater quantities of renewable energy (including large scale solar) is self-evident given the dramatic step change in Government energy policy driven by its declared Climate Emergency to achieve a 100% reduction in greenhouse gas emissions by 2050 (Net Zero). This is a legally binding target.
- 6.2.6 UK energy policy acknowledges renewable energy developments as key to the net-zero target. The NIS states that to achieve Net Zero 2050, the power system must be carbon free and significantly larger to cope with additional demand. Solar is seen by the UK Government as one of the building blocks of the country's low-cost, net zero consistent generation mix, with a further 64GW of solar required by 2035.
- 6.2.7 SBC declared a Climate Emergency in June 2019, committing to an even tougher target of seeking to achieve net zero carbon for the borough by 2030.
- 6.2.8 The SBC LDF is aligned with the NPPF's (Paragraph 11) presumption in favour of sustainable development which is defined as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs' (Paragraph 7). NPPF Paragraph 152 states that the planning system should support the transition to a low-carbon future and support renewable and low-carbon energy and associated infrastructure. Paragraph 158 goes on to state that when determining planning applications for renewable and low carbon development, LPAs should *"not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions"* and *"approve the application if its impacts are (or can be made) acceptable"*.
- 6.2.9 Local Plan Policies ST1 and DM20 provide the policy context for consideration of renewable energy developments in the Borough. Policy ST1 (delivering sustainable development in Swale) sets out that to deliver sustainable development in Swale development proposals will, as appropriate, meet the challenge of climate change through the expansion of renewable energy. Policy DM20 indicates that planning permission for renewable energy schemes will be permitted provided that there is no unacceptable adverse impact, and that a balanced assessment of the proposal's positive and negative effects ensure that impacts are appropriately minimised, mitigated and, if necessary, compensated.
- 6.2.10 It is important to highlight that during pre-application discussions, the Council agreed that the Proposed Development would be supported in principle where Policies DM 20: Renewable and low carbon energy, DM 24: Conserving and enhancing valued landscapes, DM 31: Agricultural Land are satisfied.
- 6.2.11 DM 20 sets out 10 requirements of renewable energy applications. Firstly, DM 20 requires demonstration that methods to avoid and mitigate harm have been addressed. The key issues are potential harm to landscape and visual impact, and agricultural land which is discussed in later sections of this PS.
- 6.2.12 The second requirement is to demonstrate that opportunities in the Borough's Energy Opportunities Map have been exploited. The Swale Energy Opportunities Map (Swale Renewable Energy and Sustainability Development Study, AECOM, 2011) is in regard to district heating and wind energy and therefore irrelevant to the proposed development.
- 6.2.13 Thirdly, the Policy states that priority should be given to previously developed land. It is important to note that this section of the policy is positively worded and while priority should be given to brownfield land, it does not exclude development on greenfield sites. Given the Proposed Development sits on a site of circa 65ha (a site of this size would fit around 2,000 homes), brownfield sites of this size are not available. It is extremely uncommon for a proposed solar farm of this size to be situated on a brownfield

site, and there are a number of complications and constraints which would be associated with this. This is explained in further detail within the ASA submitted with this application.

- 6.2.14 DM 20 also states that it should be demonstrated that poorer quality agricultural land has been used in preference higher quality land. Where schemes are demonstrated as necessary on agricultural land (as has been justified in the above sections), options for the sites continued agricultural use should be explored. Given the temporary nature of solar farms, the land can be returned to agricultural use at the end of the development lifespan. There is also the option for sheep grazing around the panels. As will be discussed in further detail in following sections, the Swale borough has a very high proportion of BMV land when considered against the national average. Therefore, the quantity of sites which fall within a low agricultural land grade, which are also available, suitable and capable of housing the Proposed Development are limited.
- 6.2.15 An ASA was conducted to accompany this application. It identified no other more suitable sites than the Proposed Site within the defined search area. As is detailed in the ASA, solar farms require connection to the electricity grid. This connection requires an agreement with the Distribution Network Operator (DNO). The viability of this connection is critically dependent upon five factors:
1. The existence of spare and available capacity within the grid network to accept the electricity.
 2. The technical and available capacity of a nearby grid connection point/ substation.
 3. Proximity to account for the cable route and associated costs.
 4. Connection costs, particularly relating to required upgrades.
 5. Timescales relating to the connection date
- 6.2.16 It is preferential that the solar farm is located as close as possible to the POC for commercial and practical reasons which are set out as follows:
- The closer to the grid connection the solar farm, the more effective the energy transfer is due to less energy lost through voltage drop (i.e. increased efficiency of transmission).
 - The further away from the POC the more that must be spent on the connection cabling, which has a significant impact on the viability of the project; and
 - A longer cable route results in more disturbance locally.
- 6.2.17 The parcel of land needs to be of a sufficient size to accommodate the equipment for a 41MW solar farm.
- 6.2.18 Due to the possible perceived negative impact on residential amenity solar farms may have (particularly in regard to noise and visual impact) it is not appropriate to locate large scale solar farms adjacent large amounts of residential development. The possible extensive mitigation which would be required to locate a solar farm adjacent a town or village may make the scheme unviable, and in some cases may lead to increased visual harm (if acoustic barriers etc are required for example).
- 6.2.19 The fifth criteria on DM 20 states that opportunities for biodiversity should be explored. This has been done and a BNG of 172.04% is achieved in habitat units, and 87.79% in hedgerow units. This is discussed in more detail in subsequent sections.
- 6.2.20 DM 20 point 6 states that landscape, visual and heritage impacts as well as impacts on geology, soils and flood risk, including cumulative impact, are minimised and mitigated to acceptable levels. Similarly, Point 7 requires impact on residential amenity to be mitigated to acceptable levels. Landscape, visual and heritage impact have all been considered within this application. Given it is accepted within National and Local Policy that large scale renewable energy schemes by their nature will result in some level of harm, but that this can be limited, it is considered that the Proposed Development limits harm to an acceptable level. This is discussed in further detail in subsequent sections.

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- 6.2.21 DM 20 point 8 asks for evidence of local community involvement. A public consultation event was held by the applicant over two days in November 2023. This has been detailed in section 4 of this PS, and also within the SCI submitted with the application.
- 6.2.22 Point 9 of the policy requires plans, policies and designations to be referenced in any planning application, as they are in this PS.
- 6.2.23 Finally, DM20 states that it is required that in cases of temporary planning permission, detailed proposals for the restoration of the site at the end of its functional life are set out. While the decommissioning of many solar farms has not yet begun and so the restoration of sites can only be speculated at this stage, there is very strong evidence to suggest that the land can be fully restored to its previous state, and that in many cases, soil quality can improve. Solar farms are far less intensively managed than arable farms, and indeed arable farming can degrade soil quality. The temporary nature of solar farms ensures that the soil can recover from intensive farming and can return to the same, if not better agricultural land classification.

DM20 Summary

- 6.2.24 The above discussion shows how each of the 10 sections of Policy DM 20 have been considered within the application and therefore how it is considered the policy is satisfied. The following sections will go on to discuss Policies DM 24 and DM 31, which the Council states were also required to be satisfied in order to allow the principle of development.

6.3 Other Material Considerations

The following section will cover analysis of the development against material considerations and national and local policy. It will make reference to technical reports which have been submitted in support of this application. The following considerations will be discussed:

- Use of agricultural land
- Landscape and Visual Impact
- Cultural Heritage Impact
- Ecology and Environmental Health (including arboricultural impact)
- Environmental health and amenity (including Noise, Glint and Glare and Air Quality)
- Flood Risk and Drainage
- Transport
- Sustainable Development Assessment
- Minerals

Use of Agricultural Land

- 6.3.1 Local Plan Policy DM 20 requires renewable schemes to demonstrate that poorer quality land has been used in preference to higher quality. Similarly, Policy DM 31 states that development on agricultural land will only be permitted where there is an overriding need that cannot be met on land within the built-up area boundaries. Paragraph 174 of the Framework seeks to prevent the loss of best and most versatile land, defined as Grades 1, 2 and 3a in the MAFF 1988 guidance for grading the quality of agricultural land.
- 6.3.2 An ALC survey was undertaken by Askew Land and Soil which identified that 91.2% of the land within the site is classified as Best and Most Versatile. The site is a mixture of land of Grade 1 down to Subgrade 3b.
- 6.3.3 Approximately 70% of the Total Land Area in the Swale District to be between ALC Grades 1-3 (Value of Best and Most Versatile Agricultural Land in Swale For Swale Borough Council, 2015). Therefore, land at Pitstock Farm is typical and consistent with ALC grading in the vicinity of Sittingbourne and Swale District. It is therefore considered that Grade 3 land is suitable for development, due to the absence of lower grade land in the search area.

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- 6.3.4 Moreover, the installation of solar panels does not affect agricultural land quality, except for small areas (tracks, substation, transformers etc.). Therefore, the existing land quality will not be adversely affected or lost. Those small areas of land affected by fixed structures can also be restored to the same grade at decommissioning, and so are not permanently lost either. An Agricultural Considerations report was undertaken in support of the application which assesses the identified land quality in context with farming circumstances and planning policy of relevance. The report demonstrates how the installation of a solar farm on agricultural land in these circumstances accords with planning policy.
- 6.3.5 In September 2023 an appeal for a Battery Energy Storage System scheme was allowed in Wisbeach, Cambridgeshire (Appeal A: APP/A2525/W/22/3295140 and Appeal B: APP/V2635/W/22/3295141). The main issue identified by the inspector was the effect of the Proposed Development on the use of best and most versatile (BMV) agricultural land.
- 6.3.6 The ALC report for the Wisbeach proposal identified that the site consisted entirely of Grade 1 ALC and that all nearby land was Grade 1 or 2. This is common for the whole district which is predominantly BMV land. Consequently, it was not possible to find an alternative site with a point of connection at a lower ALC. The inspector also identified that while the proposal would take land out of arable use for a temporary period, this would not represent a total loss of agricultural land as on decommissioning, the site would be restored to agricultural use.
- 6.3.7 The inspector concluded that the scheme would generate significant benefits in respect to energy security, where moderate weight was given to the conflict of the proposal in respect to loss of BMV land and as such the appeal was allowed. This appeal decision is noteworthy given the similarities between the Wisbeach site and the Proposed Development Site. Swale Borough also has a very high amount of BMV land and therefore it is assumed that Grade 3 land is suitable for development, due to the absence of lower grade land in the surrounding area. Furthermore, the fact the development is temporary and reversible, there is no net loss of BMV land.
- 6.3.8 Local Plan Policy DM20 also states that in exceptional cases, where schemes are demonstrated as necessary on agricultural land, that they fully explore options for continued agricultural use, including exploiting opportunities to enhance biodiversity. In addition, any potential landscape, visual and heritage impacts as well as impacts on geology, soils, and flood risk, including cumulative impacts, are required to be minimised and mitigated to acceptable levels.
- 6.3.9 The locational requirements for solar farms and site selection process is fully described within the Alternative Site Assessment (ASA). The key findings of which are summarised below:
- There are no brownfield or other previously developed or non-agricultural sites within the search area which are known to be available and which are suitable to accommodate the proposed development.
 - The ASA search area includes extensive areas of Grades 1 and 2 agricultural land and significant areas covered by local and national landscape designations.
 - No alternative sequentially preferable sites, including of lower quality ALC, of an appropriate site, and are available and suitable, exist within the search area.
- 6.3.10 Therefore, the ASA demonstrates that the Proposed Site is the most suitable site for the Proposed Development. Therefore, Policies DM 20 and DM 31 are satisfied by the findings of the ASA.
- 6.3.11 Furthermore, the proposed site is available with a willing landowner and has considerable locational advantages as a suitable location for the proposed development, including:
- There are no statutory ecology designations within a 5km radius of the site;

- Suitable site shape, orientation, size and amount of sunlight required to develop a solar farm;
- Safe access to the site is possible for construction and ongoing maintenance;
- No Planning Policy Designations on site;
- At an appropriate distance from local and nationally designated landscapes - no intervisibility with the AONB
- The site is predominantly in Flood Zone 1 (Low-risk) with smaller areas in Flood Zone 2 and 3;
- There are no designated (protected) heritage assets within the site;
- Suitable route to the point of connection with minimal disruption on the surrounding area
- There are limited views of the site from public receptors; and
- There are a limited number of residential receptors immediately adjacent to the site's boundaries.

6.3.12 As such, given the considerable advantages of the proposed application site and lack of comparable and available sites in the surrounding area, it is considered necessary for this development scheme to be proposed on agricultural land in the proposed location and that the necessary precautionary mitigation measures have been taken to ensure any potential impacts are minimised to an acceptable level. The proposal is therefore considered to be in accordance with Policy DM 20 and DM 31.

Landscape and Visual Impact

6.3.13 Paragraph 130 of the Framework, and Policies CP4, CP7, DM14 and DM20 and DM 24 all require the protection or enhancement of the landscape and visual quality of the area, including the need to respect the sense of place, sense of tranquillity, and the enjoyment of the landscape from PRowS and valued viewpoints. These policies have been relied upon to inform the layout and design of the development and its integration into the landscape.

6.3.14 It is important to note that an EIA Screening Opinion request was submitted to the Council where it was determined an EIA was not required for the Proposed Development. The council's Screening Opinion Report (**Appendix A**) stated that the overall height of the development would not impact long distance views. It highlights that the:

"The proposal may be visible from within the AONB to the south. However, the site is somewhat screened by tree cover adjacent to the M2 motorway and hedgerow screening. Views from a public viewpoint would be long ranging with the urban backdrop of Sittingbourne. The M2 also represents a disruption to the tranquillity and scenic beauty of this area which characterises the AONB landscape."

6.3.15 It is therefore considered that while the proposals will introduce development into the Proposed Site, the long ranging visual impact of the proposals will not be significant.

6.3.16 The DAS and LVIA demonstrate that great care has been taken in designing a high-quality scheme that secures multifunctional environmental gains. The objective of the landscape strategy is to integrate the Proposed Development into its surroundings, minimise potential negative effects, and enhance the landscape character, amenity value and biodiversity.

6.3.17 The LVIA undertaken to support the scheme concludes that the proposals will result in a wide range of beneficial effects with regard to the overall landscape elements that currently define the landscape character of the site, which would change from a series of arable fields to one of a solar farm. The elements which currently contribute to defining the character of the site (namely canopy trees and hedgerows) would be retained and enhanced to form more of a robust landscape framework, providing improved green corridors and further containment of the solar farm.

6.3.18 The LVIA process has also been used to inform the design of suitable mitigation. The following mitigation measures have been based on the robust landscape baseline analysis, including the site and context appraisals, visual appraisal, and reviews of policy and published landscape character assessment and guidance, with the aim of reducing or avoiding adverse effects on landscape character and visual amenity:

- *“A comprehensive hedgerow improvement strategy including reinforcement of existing hedgerows and replanting of remnant or ‘gappy’ field boundaries with an appropriate species rich native planting palette;*
- *A 5m offset of the security fencing from hedgerows with creation of a grassland sward between the fencing and hedgerows;*
- *Provision of minimum 5m offsets from the PRow within the western parcel of the Site to proposed fencing, with panels set back from the fencing to assist in retaining the openness of views experienced from these routes;*
- *Maintaining a 15m offset from the western and southern boundaries of the western parcel for woodland creation with panels set back from the fencing to create a buffer between the proposed solar farm and Slough Rod that forms the boundary of the adjacent AHLV;*
- *A grassland creation and maintenance regime for the site to promote a tall, diverse grassland sward outside the perimeter fence, with an opportunity to introduce livestock grazing within the fence, including underneath proposed panels.”*

6.3.19 With regards to the effect of the proposals on the character of the site and its vicinity, the LVIA concludes:

*“When combined with a **Medium** magnitude of change, the introduction of the solar farm will result in a **Moderate** (adverse) effect on the landscape character which will be limited to the Site and its immediate surroundings. Following the establishment and maturation of the mitigation planting the magnitude of effect will reduce to **Small** resulting in a **Minor** (adverse) effect on the landscape character of the Site in the longer-term.”*

6.3.20 In respect of the effects of the proposal on the wider landscape character of the area, it was considered that there would be no significant landscape impacts at a national, county or district level.

6.3.21 Regarding the effects of the scheme on views and visual amenity, the LVIA considers:

*“Overall, **Moderate to Major** (adverse) effects will be limited to the western parcel, where the PRow passes through the Site, and dwellings that adjoin or immediately overlook the Site. Once beyond the Site these adverse effects will reduce very quickly. The layout of the solar farm offsets the PV arrays from the public footpath to minimise the visual effects, but it should be noted that adverse effects will only be appreciated for the short period of time that it takes to pass through the Site”*

6.3.22 Given the above it is considered that the Proposed Development addresses the requirements of Local Plan Policies ST1, DM14, DM20, CP4, CP7 and National Planning Policy such that it could look to be supported.

Cultural Heritage Impact

6.3.23 As stated previously in this statement, Rodmersham Green Conservation Area is located approximately 500m to the west of the Site. It contains six Grade II Listed Buildings. Local Plan Policy CP 8 is in regard to conserving and enhancing the historic environment of the borough and Policy DM 33 is concerned with preserving and enhancing conservation areas.

6.3.24 A Heritage Desk Based Assessment (HDBA) has been prepared by Stantec in line with local and national policy to support the proposed development. The HDBA considers the potential impacts of the development upon above and below-ground heritage assets, and the potential impacts on the setting of heritage assets within the wider landscape.

6.3.25 The assessment concludes that archaeological survival potential is expected to be low across the area of the Site not previously impacted by use of the land as an orchard. It is not expected that any below ground heritage assets would preclude development on the Site.

6.3.26 Regarding built heritage, the HDBA concludes that there will be no direct physical impact on any built heritage assets through the Proposed Development. It acknowledges that there will be a visual change to the setting of some assets but that the wider setting will remain appreciable, and any perceived harm would be minimal set against the presumption of preserving the land in a particular use. Section 2 of the Policy CP 8 requires the Boroughs designated and non-designated heritage assets and their settings to be sustained and enhanced.

6.3.27 It is considered that while some visual change is inevitable, this is limited, and the mitigation proposed limits this further and thus, potential perceived impact on nearby heritage assets would be limited. It is important to note that the Proposed Development will not have a direct impact on heritage assets. Therefore, the Proposed Development complies with Policy CP 8 which states that the integrity of heritage assets should be respected while working towards a low carbon future. Furthermore, Policy DM 33 is satisfied as it requires development to preserve and enhance views into and out of the Conservation Area. As stated previously, there will be limited visual change however this is minimal and thus should be given little weight against the schemes potential benefits.

6.3.28 Paragraph 194 of the NPPF states that developers should submit an appropriate desk-based assessment, and where necessary, a field evaluation. A geophysical survey has been completed which is provided with the application. Any intrusive archaeological investigation (trial trenching) required is proposed to be undertaken post consent, secured by a suitably worded planning condition.

6.3.29 Given the above it is considered that the Proposed Development addresses the requirements of Policies CP 8 and DM 33 of the Local Plan and NPPF policies such that it could look to be supported.

Ecology

6.3.30 Both national and local policy place great importance on the protection and enhancement of biodiversity, including achieving biodiversity and Green Infrastructure gains when mitigating impacts of development. Local Plan Policy CP 7 outlines how development should protect and enhance the green infrastructure network. Similarly, part 6 of Policy CP 4 sets out criteria for ways in which the landscape, biodiversity and local environments should be conserved and enhanced. This includes through responding to landscape character, retaining trees, providing a high standard of locally native tree species, provision hard landscaping, surface and boundary treatments that are locally distinct, and provide features and management intended to encourage biodiversity.

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- 6.3.31 Local Plan Policy DM 28 states that proposal will enhance and extend biodiversity and provide net gains. From January 2024, the government will be seeking a mandatory 10% BNG on all major developments. Paragraph 180a of the NPPF states that planning permission should be refused if harm to biodiversity resulting from the development cannot be avoided, mitigated or compensated.
- 6.3.32 The site is not located within a sensitive area, but it is close to the Kent Downs AONB which is located to the south of the M2 at a distance of approximately 750m from the site boundary. Further, the site, as with a large proportion of land within Swale, is within the 6km buffer of the Swale Special Protection Area (SPA). The site is also within proximity the Medway Estuary & Marshes SPA.
- 6.3.33 The Councils EIA Screening Opinion report states that the proposal would not result in direct loss of habitat in these designations but could have associated impacts. The Likely effects of the development on nature conservation and biodiversity have been fully assessed in the Ecological Impact Assessment (EclA) accompanying this application.
- 6.3.34 The EclA concludes the following:

“The proposed development has the potential to result in adverse impacts upon a number of ecological features ranging from Site to International importance. However, avoidance, mitigation and compensation measures have been proposed to ensure that these adverse impacts are reduced as far as possible. Additionally, enhancement measures are proposed which will deliver gains for biodiversity locally. The development will also result in a net gain for biodiversity, as quantified by the Statutory Biodiversity Metric.

Measures proposed include:

Retention of boundary habitats and protection with wide undeveloped buffer zones;

Biodiversity protection zones to protect retained habitats and species during construction;

Sensitive working methods during site clearance and construction to avoid impacts to badgers, dormice, reptiles, amphibians, nesting birds and hedgehogs;

Creation of new diverse grassland, hedgerow and scrub habitats;

Enhancement and in-fill planting of the boundary hedgerows;

Compensation for the loss of 6 skylark territories through an appropriate mitigation strategy (to be determined at the detailed planning stage);

In combination, provision of high biodiversity-value habitats suitable for a range of species, resulting in an overall net gain of 172.04% in Habitat Units and 87.79% in Hedgerow Units. A BNG report has been prepared which sets out how net gain will be achieved.

Provision of a range of wildlife nesting/ roosting boxes, as well as log piles, as enhancements;

A CEMP: Biodiversity will be produced which will detail relevant construction-phase avoidance and mitigation measures.

A LEMP has been prepared detailing provision, maintenance, management and monitoring of habitats and features for wildlife during the operation phase.”

- 6.3.35 The above measures ensure the Proposed Development can be considered in line with the relevant legislation by avoiding offences being committed under the Wildlife & Countryside Act 1981 (as amended).
- 6.3.36 Given the site is mainly comprised of arable farmland (which typically offers low biodiversity value), the proposed soft landscaping would significantly increase the sites biodiversity value.

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- 6.3.37 A BNG calculation has also been completed and it submitted with the application. The calculation shows that the proposals will result in a total net change of 222.44 Habitat Units, representing an increase of 172.04%. The majority of Habitat Units will be delivered by the creation of other neutral grassland within the Site, which will be managed to maximise biodiversity value.
- 6.3.38 The proposals will also result in a total net change of 38.41 Hedgerow Units, representing an increase of 87.79%. The net gain
- 6.3.39 It is also important to highlight that the proposals are for a temporary development, wherein the site can be fully remediated that the end of the proposal lifespan. It is also important to note that many of the ecological enhancements will remain. As highlighted by the Councils EIA screening report, the impact on biodiversity is not considered to be of such scale that would require assessment beyond the technical information submitted with this planning application.
- 6.3.40 A Landscape and Ecological Management Plan (LEMP) has been submitted with this application. It provides guidance on the management of the solar array to ensure delivery of ecological objectives and maximisation of biodiversity gains, alongside effective operation of the Site. It follows the guidelines set out within the Biodiversity – Code of Practice for Planning and Development, British Standard 42020:2013. The method statements included in the LEMP will be implemented by the landscape maintenance contractors/ management personnel who will action this LEMP during the operational phase of the development.
- 6.3.41 Given the above it is considered that the Proposed Development addresses the requirements of policies CP 7, CP 4, DM 28 and DM 24 and national planning policy such that it could look to be supported.

Trees

- 6.3.42 Policy DM 29 of the Local Plan seeks to protect and enhance of trees and hedges. This is in line with National Policy which as detailed in the previous section seeks to protect and enhance biodiversity and the natural environment.
- 6.3.43 An Arboricultural Impact Assessment was undertaken to support the scheme. The report identifies 55 arboricultural features (trees, groups, woodlands and hedgerows) The report concluded that the potential for significant negative arboricultural impacts to occur from the implementation of the Proposed Development is very low and that if carefully implemented there would be no negative impact on the retained trees.
- 6.3.44 Following a robust impact assessment the following tree protection measures were determined to be appropriate in relation to the scheme:
- *“The proposed site security fence, which is to be erected around the periphery of the whole site, will act as an effective tree protection barrier if erected before any construction works commence on site. This will mitigate the need to install BS 5837:2012 fencing along the outer perimeters of the site.*
 - *In order for the site security fence to successfully operate as a tree protective barrier and create the Construction Exclusion Zone (CEZ), it will be necessary to avoid the tracking of plant, machinery and driving of site vehicles in between the security fence and trees/hedgerows. The area beyond the site security fence should be considered to be a Construction Exclusion Zone (CEZ).*
 - *As the perimeter fence is capable of defining all of the RPAs across the whole site no temporary tree protection is necessary. The Tree Protection Plan in Section 3 [of the AIA] shows only some CEZs in between the more significant trees, tree groups and woodlands in order to emphasise the importance of restricting all site traffic from using this zone beyond the perimeter fence.”*

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- 6.3.45 The report concludes that if the site security/ perimeter fence is installed ahead of construction activity commencing at the site the retained trees can be adequately protected during construction activities to sustain their health and longevity.
- 6.3.46 Given Local Plan Policy DM 29 states that development should support carefully planned development in regard to the protection of trees and hedgerows, it is considered that as the above recommendations will be adhered to, the scheme is considered to adhere to local and national policy.

Impacts on Environmental Health and Amenity

- 6.3.47 Paragraph 185 of the NPPF states that development should take into account the likely effects of pollution on health, living environments and the natural environment. Policy DM 14 states that development should cause no significant harm to amenity. The Plan also states that Planning Practice Guidance provides detail advice. In line with this guidance a Noise Impact Assessment, Glint and Glare Study and Construction Traffic Management Plan (CTMP) have been produced in support of this application and is discussed in subsequent sections of this PS.

Noise

- 6.3.48 A Noise Impact Assessment has been undertaken. It details the existing background sound climate at the nearest noise-sensitive receptors, as well as the potential sound emissions associated with the proposed development.
- 6.3.49 The assessment identifies that the Proposed Development will give rise to rating sound levels that are below the measured background sound level in the area, thus giving rise to 'Low Impact', and that:
- “Consequently, the noise assessment demonstrates that the Proposed Development will give rise to noise impacts that would be categorised a No Observed Adverse Effect Level (NOAEL) within the PPG Noise guidance.”*
- 6.3.50 The Assessment concludes that given the Proposed Development conforms to British Standard and National Planning Policy requirements, it is recommended that noise should not be a considered constraint to the approval of this Planning Application, providing that the plant is constructed and operated in accordance with the acoustic assumptions and recommendations set out within the Assessment.

Glint & Glare

- 6.3.51 Solar panels are made up of silicon-based photovoltaic cells that are encased in a glass covering. Glass does not have a true specular reflection but does reflect a certain magnitude of light. Reflection of sunlight from PV panels is contrary to solar energy production. This is because the greater amount of light which can be captured at the PV cell, the greater amount of electricity that can be produced. Panel manufacturers use anti-reflective coating in the glass that changes the reflectivity from specular distribution to diffuse distribution. Therefore, as light falls onto the PV panels, most of the sunlight is transmitted to the cell beneath the glass with only a small amount reflected back in a multiple of angles and magnitudes. The result is an object that is perceived to have very little glare.
- 6.3.52 A Glint and Glare study was nevertheless conducted to assess the possible effects of glint and glare from the proposed fixed ground-mounted solar photovoltaic panels. The assessment pertains to the possible impacts upon road safety, residential amenity, and aviation activity associated with New Orchard Farm Airfield and Frinsted Airfield.
- 6.3.53 The assessment derived the following conclusions:

Aviation Activity:

“New Orchard Farm Airfield

- Solar reflections with glare intensities of ‘potential for temporary after-image’ (‘yellow’ glare) are geometrically possible towards the 1.0-mile splayed approach path for runway threshold 30, and sections of the visual circuits and occur within a pilot’s primary field-of view (50 degrees either side of the approach bearing). The glare scenario is considered in an operational context. The instances of ‘yellow’ glare are judged to be operationally accommodatable due to sufficient mitigating factors, and an overall low impact predicted. Mitigation is not recommended.

Frinsted Airfield

- Solar reflections with glare intensities of ‘low potential for temporary after-image’ (‘green’ glare) are geometrically possible towards sections of the visual circuits for runway thresholds 03/21 and 08/26. The glare intensities are considered acceptable in accordance with the associated guidance and industry best practice. A low impact is predicted, and mitigation is not required.

Road Safety:

- *Solar reflections are geometrically possible towards a 500m section of the M2. Screening in the form of existing vegetation is predicted to significantly obstruct views of reflecting panels, such that solar reflections will not be experienced by road users. No impact is predicted, and mitigation is not required.*

Residential Amenity

- *Solar reflections are geometrically possible towards 58 of the 63 assessed dwelling receptors. For 45 dwellings, screening in the form of existing vegetation and/or intervening terrain is predicted to significantly obstruct views of reflecting panels, such that solar reflections will not be experienced in practice. No impact is predicted for these 45 dwellings, and mitigation is not required.*
- *For the remaining 13 dwellings, screening in the form of existing vegetation to be maintained and enhanced and proposed vegetation is predicted to obstruct views of reflecting panels, with marginal views of reflecting panels are considered possible from above ground floor levels. In addition, mitigating factors such as the separation distances and effects coinciding with the Sun are considered sufficient to reduce the level of impact. A low impact is predicted, and mitigation is not recommended.*

6.3.54 As can be seen in the detail above, the mitigation proposed as part of the Landscape Strategy Plan (including new and enhanced planting) ensures that views of reflecting panels will be mitigated.

Air Quality

6.3.55 For the Authority’s reassurance, solar farms operate as a passive form of energy generation. There are no moving parts, industrial processes, or ancillary elements such as generators that could be associated with emissions of air pollution impact.

6.3.56 Traffic associated with an operational solar farm is negligible and likely to be less than the traffic movements of existing arable farming operations. There will be a brief temporary increase in traffic associated with the temporary construction stage and therefore potential impacts on air quality has been considered within the CTMP.

6.3.57 Given the above it is considered that the Proposed Development addresses the requirements of National Planning Policy and guidance in terms of air quality and should be supported.

Flood Risk & Drainage

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- 6.3.58 Policy DM 21 of the Local Plan states that development in areas at risk of flooding should be avoided and that site specific flood risk assessment should be provided where required. As identified previously in this PS, while the majority of the Site falls within FZ1, there are some small areas of the site within FZ2/3. The PPG states that within sites, the most vulnerable aspects of development should be located in areas of lowest flood risk, The arrangement of the development ensures that the FZ2/3 areas are avoided as can be seen in the proposed site layout (PTI01_DV_EL_DRA_GEN_IMP-01-03). Therefore, the development is considered to be fully within FZ 1. This is fully in accordance with the aim of the sequential approach set out in the NPPF which is to steer new development to areas at the lowest probability of flooding in FZ1.
- 6.3.59 A site-specific Flood Risk Assessment has been undertaken to ascertain the potential risks involving flooding and drainage at the site. Regarding surface water run off, rainfall falling onto the photovoltaic panels would runoff directly to the ground beneath the panels and infiltrate into the ground at the same rate as it does in the site's existing greenfield state. Access tracks are to be semi permeable. The extent of impermeable cover as a result of the solar farm amounts to 0.1% of the total site area.
- 6.3.60 A sustainable drainage strategy, involving the implementation of SuDS in the form of interception swales, is proposed for managing surface water runoff on the development site. These are proposed at low points of the Site. The volume provide within the swales is considered to be more than satisfactory.
- 6.3.61 The FRA concludes that the Proposed Development would not increase flood risk onsite or elsewhere and would preserve the application site's natural drainage regime.

Transport and Access

- 6.3.62 A Design and Access Statement (DAS), Transport Statement (TS) and CTMP have been prepared to accompany this application. They outline the transport and access arrangements and should be read in conjunction with this section of the planning statement. Section 7 of Policy DM 20 states that impact on residential amenity and safety including noise, air quality, tranquillity and transport are minimised and mitigated to an acceptable level.
- 6.3.63 The Transport Statement states that Site is in a suitable location for a Solar Farm in terms of transport, with the access and crossover locations being designed to accommodate the largest construction vehicles. Banksman will be provided at the access and crossover points to ensure the safe movement of construction vehicles when accessing and exiting the Site.
- 6.3.64 The construction vehicle routes is as follows:
- A2 London Road → Panteny Lane → Church Street → Green Lane / Pitstock Road → Site Access*
- 6.3.65 During the Construction Phase, there will be an average of six HGV deliveries per day along with car/shuttle bus trips associated with construction workers. This level of trip generation will not have a significant effect on the operation of the local highway network.
- 6.3.66 Construction activities and deliveries will be carried out Monday to Friday 08:00-18:00 and between 08:00 and 13:30 on Saturdays. No construction activities or deliveries will occur on Sunday or Public Holidays. Where possible, construction deliveries will be coordinated to avoid construction vehicle movements during the traditional AM peak hour (08:00-09:00) and PM peak hour (17:00-18:00).
- 6.3.67 The construction period will include the use of HGVs to bring the equipment onto the Site and this will be strictly managed to ensure that vehicle movement is controlled and kept to a minimum. The majority of deliveries by HGV will be by 16.5m articulated vehicles or 8-10m rigid vehicles.

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- 6.3.68 Given the nature of solar farms, once operational very few vehicle trips will be associated with the development. It is expected maintenance vehicles will visit the site once every 2 weeks or so.
- 6.3.69 Therefore, the development is therefore considered to be acceptable from a transport perspective, and Section 7 of Policy DM 20 is considered satisfied.

Sustainable Development Assessment

- 6.3.70 The Development represents a sustainable scheme that is supported by local (DM 20) and national policy (paragraph 158 of the NPPF). Sustainable development is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Assessment of sustainability can be broken down into three primary headings; Economic, Social, and Environmental. A summary of the Development and its benefits to these three key aspects of Sustainable Development is as follows:
- 6.3.71 The solar farm represents a temporary rural diversification strategy. This is key to the long-term overall survival of smaller family farms that are much more at risk from the destabilising impacts of climate change than larger commercially farmed estates. The farm is designed to enable the co-location of grazing which would enable the farm to maintain agricultural output and economic activity alongside the solar arrays.
- 6.3.72 The Development will generate local economic activity during construction and operation. As an IPP who will build and operate the solar farm, Voltalia company bylaws require a commitment to employ and spend locally where possible. The most recent project of the same scale (50MW in Dorset) generated 4 new full time local jobs and Voltalia awarded contracts worth >£3.1m in the southeast region, including £800k within 25 miles of the site. Similar opportunities will be available in association with the construction of the Development.
- 6.3.73 Although the aforementioned economic activity is dependent on the availability of local options, there is some certain direct local economic benefit during the construction stage. If workers are not local, they would be staying at local hotels and using local shops and facilities, thus providing a boost to small businesses and the struggling hospitality industry.
- 6.3.74 There is further assured local economic benefit through Business Rates. While agricultural economic activity will remain in a co-located way, the temporary change of use means there is no Business Rates exemption. Pitstock Solar Farm will generate at least £4 million in revenue under the current regime, which has both economic and social benefits through the Council's public interest spending.
- 6.3.75 The Development includes a DNO substation. Developments of this type are essential to maintain investment levels and fund essential grid network upgrades for the benefit of all users. Without developer contributions, the cost of upgrades would be passed on through higher energy bills.
- 6.3.76 Locating solar farms of this scale in countryside with higher energy demand is necessary for economic sustainability. Solar is an essential part of the UK's energy security strategy; it makes the UK more economically secure and resilient to be self-reliant for energy instead of having to rely on imports, with the uncertainties and moral compromises this can entail. Energy security is also essential to energy affordability for ordinary people, and economy-wide economic stability, as evidenced by the effects of recent small provider collapses, shortages, and extreme price rises that are at the heart of the cost of living crisis.
- 6.3.77 The above does not represent the whole of the Development's economic benefit because the principles of sustainable development are intrinsically linked. Pitstock Solar Farm is a contribution to the betterment of local ecosystem services. Ecosystem Services are the benefits provided by ecosystems

that contribute to making human life both possible and worth living. Examples include 'goods and services' like food, water, energy, and regulation of floods, and non-material benefits such as recreational and wellbeing benefits. Damage to the environment has a degrading impact on ecosystem services in a way that has direct and indirect economic and social impact. In a context of declared climate and biodiversity emergency it is essential to consider the positive economic and social knock-ons of a Development where the headline benefits are environmental, or the negatives of a failure to approve sustainable developments.

- 6.3.78 As with the economic arm of sustainability, many of the positive social gains relate to ecosystem services and green infrastructure benefits and are understood by a holistic consideration of inter-dependencies. For example, the increase in Business Rates can mean more money for local social-benefit spending. Or the more money the Council has to spend dealing with harm from increasing extreme weather events, the less money is available for public-good spending like libraries or the provision of outdoor play areas. It is also well established that enhancements to biodiversity in one area have positive ecological effects elsewhere, and that there are both direct and indirect links between environmental quality and psychological and physical health. The BNG of 172.04% Habitats uplift and 87.79% uplift in Hedgerows associated with the scheme therefore has social benefit as a knock-on of its more direct environmental benefit.
- 6.3.79 The Applicant would also like to stress that they are aware as a company that there have unfortunately been instances of unethical sourcing of solar PV modules. The Applicant has UK Modern Slavery Statement which outlines the measures as a company they subscribe to in order to create transparency across our supply chains. These measures ensure the Applicant and their procedures are compliant with the Modern Slavery Act 2015 in the UK, as well as complying with the relevant legislation in all other geographies that they work in. It should also be highlighted that the Applicant continually review these procedures in order to ensure they are in alignment with best practice and surpass the regulatory minimums imposed on the industry. The Applicants Modern Slavery Statement was shared to the Council in June 2023.

Minerals Safeguarding Assessment

- 6.3.80 In relation to mineral safeguarding, Policy DM7 sets out the circumstances when non-minerals development may be acceptable at a location within a Minerals Safeguarding Area. This policy recognises that the aim of safeguarding is to avoid unnecessary sterilisation of resources and encourage prior extraction of the mineral where practicable and viable before non-mineral development occurs.
- 6.3.81 Policy DM7 states that where a non-mineral development affects a mineral safeguarding allocation the planning application should be accompanied by a "Minerals assessment".
- 6.3.82 A modest and isolated part of the site is located above an area identified as potentially containing Brickearth. It is on the basis of the potential temporary sterilisation of this mineral resource that a minerals safeguarding assessment has been produced to accompany this application.
- 6.3.83 The Proposed Development seeks planning permission for a temporary development for 40 years. On this basis the scheme complies with Criteria 4 of Policy DM7 of the KMWLP. Due to the size and relatively isolated nature of the of the mineral resource, it would not be economically viable or practicable to recover the clay resources identified beneath the site. On that basis the proposed scheme also complies with Criteria 2 of Policy DM7.

Ground Condition

- 6.3.84 A Phase 1 Desk Study and Preliminary Risk Assessment (PRA) Report has been completed for the development.

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- 6.3.85 Regarding the contamination assessment, a minimal risk of ground gas from an off-site inert landfill has been identified. This is not considered to have any significant impact on solar panels, transformers or inverters. There is a low risk of ground gas to the DNO control room and communication cabin, it is considered that any ground gas can be mitigated using a membrane to the ground floor slab.
- 6.3.86 A radon risk has been identified in the south western corner of the site. It is considered that this does not pose a risk to the solar panels and inverters however given the DNO control room and communication cabin are located within the north western corner of the site, the risk from radon can be dismissed.
- 6.3.87 The report identifies that should any unforeseen contamination be encountered during development works, this can be appropriately addressed through source removal during enabling works.
- 6.3.88 Regarding geotechnical assessment, solar panels provide minimal loading to the ground and can tolerate potential settlement. The transformers, DNO control room and communication cabin will be constructed on concrete slabs and will also have minimal loading. The DNO control room and communication cabin are located within an area of moderate risk from chalk solution features.
- 6.3.89 It is considered that the risk from chalk solution features is not significant to the site as the solar panels and transformer units can tolerate some potential settlement. If movement does occur this can be addressed through maintenance.
- 6.3.90 It is considered that no further contamination assessment is necessary at this stage as none of the potential risks identified are significant enough to prevent development and mitigation measures can easily be incorporated into the development.

Summary

- 6.3.91 As outlined in section 6.2, the principle of development is established through policy DM 20 which states that development for renewable energy will be granted provided methods to avoid and mitigate harm have been addressed, this is then supported further by policies in the NPPF and guidance in the PPG.
- 6.3.92 Policy DM 14 states that development proposals will adhere to policies in the adopted development plan and will provide sufficient information to show that the application adheres to the relevant policies. The main policies which are of relevance to the Proposed Development are as follows:
- ST 1 – Delivering sustainable development in Swale.
 - CP 4 – Requiring good design.
 - CP 7 – Conserving and enhancing the natural environment.
 - DM 20 – Renewable and low carbon energy.
 - DM 24 – Conserving and enhancing valued landscapes.
 - DM 28 - Biodiversity and geological conservation.
 - DM 29 – Woodlands, trees and hedges.
 - DM 31 – Agricultural Land
- 6.3.93 Other material considerations in relation to the listed policies above have been addressed within the previous sections and accompanying technical reports.

7 CONCLUSION

7.1.1 This PS supports a planning application submitted on behalf of the Applicant for the following development:

“Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with inverter/transformer units, control house, substations, onsite grid connection equipment, storage containers, site access, access gates, internal access tracks, security measures, other ancillary infrastructure, and landscaping and biodiversity enhancement.”

7.1.2 The development comprises ground-mounted photovoltaic panels with an export capacity of up to 41MW of renewable electricity at peak operation. The Development is proposed for a temporary period of up to 40 years after which all of the proposed equipment will be removed.

7.1.3 The development is in accordance with local and national planning policy and will make a significant contribution to the transition to a renewable energy system and the delivery of net zero. The Applicant has extensively consulted with local stakeholders and has iteratively designed the Development to take account of local concerns. In conclusion, it is considered that the Development complies with the adopted development plan and all other material considerations. Planning permission should therefore be granted accordingly.

Appendix A EIA Screening Opinion

APPLICATION PROPOSAL		Ref 23/504540/ENVSCR	No
Environmental Screening Opinion. Proposed Photovoltaic (solar) Farm			
ADDRESS Land At Pitstock Farm Sittingbourne Kent			
RECOMMENDATION -			
WARD West Downs	PARISH/TOWN COUNCIL Rodmersham	APPLICANT Voltalia UK Ltd	AGENT Stantec
DECISION DUE DATE 15/11/23		PUBLICITY EXPIRY DATE N/A	

Relevant Planning History

PN/95/0007
NEW DUTCH BARN
PA Granted Decision Date: 05/12/1995

PROPOSAL

Construction of a temporary 41 MW Solar Farm across a site area of 65 hectares, to include the installation of Solar Panels with transformers, a substation, a DNO control room, a customer substation, GRP comms cabin, security fencing, landscaping and other associated infrastructure.'

PLANNING CONSTRAINTS

Area of High Landscape Value (Kent Level)
Grade 1 and 2 Agricultural Land
Public Right of Way ZR212
Designated Rural Lane
Brickearth Safeguarded Area
Flood Zone 1, 2 and 3
Ground Water Source Protection Zone
Areas of Archaeology Potential
SPA 6KM buffer Zone
Rodmersham Green Conservation and Listed Buildings

ASSESSMENT

The process of Environmental Impact Assessment (EIA) is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which came into force on 16 May 2017 and superseded the 2011 Regulations. Advice on when an EIA is likely to be required is provided by the National Planning Practice Guidance.

The aim of EIA is to protect the environment by ensuring that a Local Planning Authority when deciding whether to grant planning permission for a project, fully takes into account the significant effects on the environment in the decision-making process. The Regulations set out a procedure for identifying those projects which should be subject to EIA, and for assessing, consulting, and coming to a decision on those projects which are likely to have significant environmental effects.

The Local Planning Authority should determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the Regulation. Where a development falls within Schedule 1 an EIA is always required, whilst if a development falls within Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment. The National Planning Policy Guidance states that where a development constitutes Schedule 2 development only a small proportion of these will require an EIA.

If a proposed project is listed in the first column of Schedule 2 and exceeds the relevant thresholds or criteria set out in the second column the proposal needs to be screened by the Local Planning Authority to determine whether significant effects are likely, and hence whether an assessment is required. Projects which are located in or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria.

Sensitive areas are defined as Sites of Special Scientific Interest and European sites, National Parks, the Broads and Areas of Outstanding Natural Beauty and World Heritage Sites and scheduled ancient monuments.

Schedule 3 of the Regulations sets out the criteria against which a development is likely to have a significant effect, which are: i. Character of development; ii. Location of development; and iii. Characteristics of potential impact.

In accordance with EIA Regulations the Local Planning Authority (LPA) has considered whether the above proposal is likely to have significant environmental effects. The proposal would seek to provide a Solar Park (Farm) on an undeveloped greenfield site of 65 hectares and is therefore considered to fall within Schedule 2 of the EIA Regulations, under part:

(3) Energy Industry, (a): "Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1).

The relevant threshold is as follows:

"The area of works exceeds 0.5 hectares."

The proposal relates to the production of electricity and exceeds 0.5 hectares. As part of the Indicative Criteria and Threshold the criteria also identifies thermal outputs of more than 50MW, for which the development would sit at 41MW.

The site is not located within a sensitive area, but it is close to the Kent Downs Area of Outstanding Natural Beauty which is located to the south of the M2 at a distance of approximately 750m from the site boundary. Further, the site, as with a large proportion of land within Swale, is within the 6km buffer of the Swale Special Protection Area.

The LPA has undertaken this screening opinion taking account of the criteria set out in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In doing so it considers the main matters to be addressed are:

- 1- Characteristics of development
- 2- Location of Development
- 3- Characteristics of potential impact

In assessing the potential impacts of the projects such as this, the Indicative Screening Thresholds for Schedule (3a) development state the key issues to consider are the level of emissions to air, arrangements for the transport of fuel, and any visual impact.

Characteristics of Development

1. The characteristics of development must be considered with particular regard to –

(a) The size and design of the whole development;

The proposed Solar Farm would involve the provision of a number of PV panels arranged in arrays. The Solar Farm would also require associated infrastructure and paraphernalia which would include substations, inverters, security fencing, and maintenance access tracks.

The application site would extend to approximately 65 hectares, however it is not clear what degree of land would be subject to PV panel arrays /inverters/ CCTV and substation. The proposal has indicated the generating capacity would be approximately 41MW, which sits below the threshold for National Infrastructure Project at 50Mw.

Due to the Public Right of Way (PRoW) that cross the site, and the separation of the wider site by roads, the panels would not necessarily cover the entire site. The site itself is screened sporadically along its boundaries by extensive hedgerows and trees, particularly to the west by Cheney Wood. The more exposed elements of the site are located primarily along Pitstock Road with visibility more evident where breaks in the hedgerows are intermittent and the land rises to the west.

The topography of the site follows a natural undulation of rise and fall of agricultural land but is not located on a platform or hillside. The landscape to the far south of the site rises with ridgelines within the Kent Downs Area of Outstanding Natural Beauty set on a higher topography and providing long distance views towards the site. However, these views from public receptors are limited due to screening along the M2, distance from the site, and the proposal would sit within the wider context views of Sittingbourne and its associated infrastructure

The overall scale of the solar panels would have an approximate height of 3m. The overall height would not impact long distance views. The overall coverage of the site remains somewhat unclear, but screening could be incorporated, and the overall coverage would likely be broken up due to natural constraints of the site.

The overall scale is not considered to be of such a size that it could not be appropriately assessed as part of a submitted planning application given the context of the site. The scale and design could be assessed in conjunction with a submitted Landscape and Visual Impact Assessment and landscape strategy.

(b) Cumulation with other existing development and/or approved development;

Guidance on the consideration of cumulative effects in the EIA Screening Process is set out in the Planning Practice Guidance and requires that:-

“Each application (or request for a screening opinion) should be considered on its own merits. There are occasions, however, when existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effect arising from any existing or approved development” (Paragraph: 024 Reference ID: 4-024-20170728)

The site is not located near other Solar Farms. The nearest Solar Farms are located to the north and north-west near Bobbing where there are existing Solar Farms at:

- Bobbing Solar Farm (SW/14/0525 allowed on appeal) to the west of Cold Harbour Lane;
- Orchard Solar Farm (14/502072/FULL) on Stickfast Lane to the southwest of Iwade; and
- Tonge Solar Farm (SW/14/0224) to the west of Church Road (Tonge Corner).

The closest of the Solar Farms is located at Tonge at a distance of 5km from the site. Bobbing and Iwade Solar Farms are located in excess of 6km from the site to the northwest. A number of Solar Farms are located on the Isle of Sheppey, but these are removed from the site by a considerable distance.

To the northwest of the site in Borden, approval for a major residential development has been granted under application 17/505711/HYBRID (Wises Lane) for approximately 675 dwellings. A further nearer development on Land at Swanstree Avenue, Sittingbourne for 135 dwellings with public open space, landscaping, sustainable urban drainage system and vehicular access was approved on appeal in May 2023 under reference APP/V2255/22/3311224.

These sites are approximately 4.3km and 2.3km respectively from the proposal and, if built out, will be formed of residential development. The distance and intervening land acts as a buffer between the proposed Solar Farm and the proposed development of Wises Lane and Swanstree Avenue.

The distance and scale of the other Solar Farms from the site and other major development are considered sufficient that the proposal would not result in significant cumulative impact.

There are current applications for Solar Farms south of Borden Village on either side of Vigo Lane and Wrens Road (23/502210/FULL) and on Land West of Iwade (22/502778/EIFUL) but these are pending determination. A strategic residential led mixed-use proposal at Highsted Park, on Land to the South and East of Sittingbourne (21/503914/EIOUT) for 7,150 dwellings and 34 hectares of commercial space, including a new motorway junction to the M2 is within the vicinity of the site and also pending determination. They comprise proposals that are not approved at the time of writing.

(c) The use of natural resources, in particular land, soil, water and biodiversity;

The proposal would not be considered to result in the use of natural resources beyond that normally expected for development of this scale. The site is comprised of a number of fields and classified as Grade 1 and 2 agricultural land and considered to represent 'best and most versatile' land (BMV).

The development would have an approximate life span of 40 years and the PV panels would not remove significant quantum of soil. The site could be remediated at the end of the proposal life span without significant remediation required. Further, some use of the land for grassland mix could be accommodated alongside the solar panels/use.

The site is mainly comprised of arable farmland which does not always offer significant biodiversity value. However, the site is surrounded by extensive hedgerow networks, trees and areas of potential scrub. Due to the nature of the proposal the removal of hedgerows, trees and other areas of habitat may not be required. Associated infrastructure could further be designed to incorporate biodiversity into the scheme to achieve Biodiversity Net Gain (BNG). The impact on biodiversity could reasonably be dealt with via technical reports submitted with a planning application.

It is not clear if the land represents *Functionally Linked Land* in reference to the Swale SPA. However, such matters would be addressed within a planning application and technical reports would draw out impacts for consideration during the planning application process.

(d) The production of waste;

Some waste may be generated during the construction and decommissioning stages such as packaging and associated construction materials. However, during the operational phase limited waste is likely to be generated by a Solar Farm. It is not considered that the proposal would result in significant environmental effects in this regard.

(e) Pollution and nuisances;

During construction phase pollution and nuisances such as noise, dust generation etc. could be managed via appropriate conditions such as a Construction Management Plan. The proposed use of the site as a Solar Farm may generate some limited noise as a result of generators, and some glint and glare could occur as result of the placement of the solar panels through light reflection.

Rights of Way and neighbouring properties would be impacted upon. Such matters could be considered during a planning application and be subject to studies and technical reports.

Decommissioning would potentially lead to similar impacts as the construction. Conditions and mitigation measures could prevent significant impacts arising through the decommissioning process.

(f) The risk of major accident and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;

The nature of the development would not be considered likely to result in a major accident during the construction, operation, or decommissioning.

It would be anticipated that normal health and safety regimes would be adhered to throughout the lifespan of the development. Solar panels would not be considered to represent a major risk in light of likely climate change events. The development is not considered to represent a significant risk of major accidents given the typology of the development (Solar Farm). The potential impacts would likely be related to storm events. However, such impacts would be limited to the operation of the site rather than human health/safety.

(g) The risks to human health (for example, due to water contamination or air pollution)

Bands of flood zones 2 on 3 are located within the central and eastern areas of the site as shown below. The Government Flood Map indicates it is at low risk of fluvial flooding, but the same channels are at medium to high risk of surface water flooding.



The proposal would not require piling or other means of foundation works which could pollute ground water. Any proposal would require a surface water drainage strategy which could be appropriately assessed within a planning application.

The application would generate additional traffic movements during construction and decommissioning stages. However, these would be temporary and would be carefully conditioned upon any grant of approval. The site by virtue of the proposed use would

generate limited vehicle movements which would likely be related to maintenance. An Air Quality Assessment could be provided with any forthcoming application.

The risk to human health by virtue of flooding, water contamination or air pollution would not be considered so significant as to require an Environmental Impact Assessment.

Location of development

2 (1) The environmental sensitivity of geographical areas likely to be affected by development must be considered; with particular regard, to –

(a) The existing and approved land use;

The site area is mainly comprised of a number of fields which have been utilised for agricultural purposes. The use of the fields does allow for a wider degree of open space and recreation through the use of the Public Right of Way. The applicant has not confirmed whether the Public Right of Way would be diverted or stopped up as a result of the development. Further clarification is required on this point.

The proposal would be remediable and grazing and other activities could potentially still be undertaken as a result of any development

(b) The relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;

The site is located in Zone 2 of the Source Protection Zone and partially in Zone 1 on the western edge. The proposal would not require any significant foundation work or result in significant disturbance to the aquifer. Any forthcoming proposal would need to bring forward a Surface Water Drainage Strategy. In respect of ground water, the proposal would not be considered to significantly impact the abundance, availability, quality or regenerative capacity of water in the area.

The site is considered in accord with Swale mapping systems to be located within Grade 1 and 2 agricultural lands, which is classified as 'very good'. As part of any planning application a Soil Assessment would likely be required, and an agricultural impact assessment would also be considered to ensure Best and Most Versatile (BMV) land remains available across the Borough.

The nature of the development would not see significant disruption to the soil as a result of the placement of the PV panels. Limited foundational work would be required. Some loss as the result of access tracks and generators could occur. These could be subject to consideration through technical reports but would not be significant to warrant an Environmental Impact Assessment.

The site is not subject to direct designation on ecological grounds. The site is however within the 6km buffer zone for the Swale SPA. The land could potentially act as Functionally Linked Land associated with wintering birds. The site is also within proximity the Medway Estuary & Marshes SPA. The proposal would not result in direct loss of habitat in these designations but could have associated impacts.

Further, some of the land could offer habitat for protected species and other wildlife. These impacts could be dealt with via technical reports and assessment. The distance from the site and the presence of the M2 would mean the impact would not necessitate an Environmental Impact Statement but require specific technical reports.

(c) The absorption capacity of the natural environment, paying particular attention to the following areas –

- (i) wetlands, riparian areas, river mouths;*
- (ii) coastal zones and the marine environment;*
- (iii) mountain forest areas;*
- (iv) nature reserves and parks;*
- (v) European sites and other areas classified or protected under national legislation;*
- (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;*
- (vii) densely populated areas;*
- (viii) landscapes and sites of historical, cultural or archaeological significance.*

No areas listed under (i) – (iv) and (vi) – (viii) are located on or immediately adjacent to the site. It is noted in relation to (v) that the site is within the 6km buffer zone of the Swale SPAs and Ramsar sites. In regard to (viii) the proposal the site is located in the ‘Rodmersham Mixed Farmlands’ and lies 750m north of the Kent Downs Area of Outstanding Natural Beauty. Parts of the site are additionally located in an Area of Archaeological Potential and the Brickearth Safeguarded Area.

To the northeast of the site lies the Rodmersham Green Conservation Area (CA) in Highsted Village within which a number of listed buildings are present, although it is noted that the proposed site boundary does not abut the CA to the northwest. The buildings are Grade II listed buildings in the general vicinity beyond the site boundary edge. Given the proposed use of the land, it is considered that the impacts could be suitably dealt with through the submission of a Heritage Statement and would not require consideration through an Environmental Impact Assessment.

The application site is located in the 6km buffer zone of the Special Protection Area. The proposal would not see the loss of land within the SPA and the direct impact would mainly relate to the potential of the land acting as Functionally Linked Land. These matters would need to be established during the planning process.

The proposal may be visible from within the AONB to the south. However, the site is somewhat screened by tree cover adjacent to the M2 motorway and hedgerow screening. Views from a public viewpoint would be long ranging with the urban backdrop of Sittingbourne. The M2 also represents a disruption to the tranquility and scenic beauty of this area which characterises the AONB landscape.

The current enclosure of the site could be further enhanced through an appropriate landscaping scheme with BNG benefits. The temporary nature of the development and its limited impact to the underlying ground and geology limit the overall environmental

impact and would not be so significant as to trigger the requirement for an assessment under an EIA.

Types and Characteristics of the potential impact

3. The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account –

(a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);

The development would be located on an area of land that measures approximately 65 hectares. The overall scale of the land mass involved is of a relatively large scale. The site area would have a large spatial extent. However, the nature of the proposed development would not interfere with the underlying land to a significant degree and solar panels have a temporary appearance which has a different visual impact to other forms of permanent physical development.

The site is located in a relatively isolated area in the countryside 750m north of a major motorway network which already disrupts a degree of tranquility expected in a rural location. The site is located close to residential properties on neighbouring farms on Pitstock Road, lies adjacent to Penfield House on Penfield Lane, properties on Bottles Lane to the west and Highsted Village to the northwest, but they do not form part of a densely populated area.

Users of the Public Right of Way (ZR212) may experience visual disruption, but the network should remain available for use, and this is to be clarified by the applicant.

Overall, the magnitude and scale of the development would not be of such significance that would necessitate an Environmental Impact Assessment

(b) the nature of the impact;

The main impacts of the development relate to visual impact and potential indirect impacts to the SPA and potential impact on the character and appearance of the Rodmersham Green Conservation Area and Listed Buildings within it.

The landscape/visual impact, biodiversity and settings to heritage assets are not considered to be of such a scale that would require assessment beyond the technical information submitted through a forthcoming planning application.

(c) the transboundary nature of the impact;

The proposal due to the scale and location would be unlikely to give rise to any significant transboundary impacts.

(d) the intensity and complexity of the impact;

The proposed intensity and complexity of potential impacts would be considered localised to the immediate surroundings with some wider visual impacts from long distance views. However, these could be addressed sufficiently through a Landscape and Visual Impact Assessment and would not give rise to more complex issues around energy generation.

(e) the probability of the impact;

The proposal would result in impact if granted through the planning system. The probability of impact would be considered high. However, given the scale and nature of the development the impact could potentially be mitigated and would not be considered so significant as to warrant an Environmental Impact Assessment.

(f) the expected onset, duration, frequency and reversibility of the impact;

The main impacts would occur during construction and decommissioning, with the visual impact remaining constant during the life span of the development (although mitigation if approval was granted may overtime reduce the visual impact). The typology of the development as a solar farm can be subject to successful remediation. The proposal's life span in accordance with the applicant statement is approximately 40 years and some gains from Biodiversity and land rest from cessation of agricultural use may occur.

(g) the cumulation of the impact with the impact of other existing and/or approved development;

An area to the north of Borden and south of Swanstree Avenue on the southeastern edge of Sittingbourne will be subject to a significant additional degree of residential development. However, the proposal is located in an area north of the M2 with the separation of other agricultural fields and small pockets of rural development intervening between the proposal and approved developments to the north and northwest. The cumulative impact would not be considered so significant as to warrant an Environmental Impact Assessment.

(h) the possibility of effectively reducing the impact.

Mitigation could be delivered if any approval of permission was granted through a Section 106 legal agreement and/or planning conditions. Further, consideration of the design and layout would be provided through the planning process. It is considered likely that impacts could be subject to mitigation, the scale of the impact is not considered to be of such an extent to necessitate the requirement of an Environmental Impact Assessment.

Conclusion

The primary impacts of the proposed development would be to the character and appearance of the rural landscape and, to a degree, the setting of the Kent Downs Area of Outstanding Natural Beauty, the setting of heritage assets / archaeology, and visual impact.

Elements of the scheme could result in some glint and glare considerations from the panels and low- level noise from substations.

The impacts above are not considered to be so significant that the development would represent EIA development. The impacts highlighted above could be appropriately considered through technical documentation submitted with any forthcoming application for planning permission.

Is an Environmental Impact Statement Required?

Swale Borough Council as the Local Planning Authority does not consider that an Environmental Impact Assessment (EIA) is required for the proposed development comprising a Solar Farm and associated infrastructure for the reasons stated above.

The proposed development constitutes Schedule 2 development under Regulation 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This is as the development would involve the development of and energy generating projected on land in excess of 0.5 hectares.

Due to the siting and nature of the proposed development it is unlikely to give rise to significant environmental effects. Impacts of the development could be sufficiently addressed through the submission of technical reports submitted with any forthcoming application. **The proposal is not considered to represent EIA development.**

Case Officer Simon Dunn-Lwin

Case Officer Sign: <i>Simon Dunn-Lwin</i>	Date: 15/11/2023
Delegated Authority Sign: <i>W Allwood</i>	Date: 15/11/2023
PRINT NAME: William Allwood	
TL/DM Countersign:	Date: