

4.1 23/00505/FUL Revised expiry date 5 January 2024

Applicant: Kybo (Gaywood) Solar Farm

Proposal: Solar photovoltaic farm use for a period of 40 years, comprising PV panels mounted on metal frames, new access tracks, substations, inverter substations, external transformers, switchgear kiosks, storage building, communications building, underground cabling, perimeter fencing with CCTV cameras and access gate, temporary construction compound and all ancillary grid infrastructure and associated works.

Location: Land North West Of Little Browns Railway Bridge, Hilders Lane, Edenbridge Kent

Ward(s): Edenbridge North & East

ITEM FOR DECISION

The application has been called to Development Control Committee by Councillor Morgan on the grounds of flood risk and traffic flow.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved is for a period of forty operational years from the date that electricity from the development is first exported to the National Grid for commercial operation; or within two years of the cessation of the exportation of electricity to the grid, whichever is the sooner. No later than three months before the cessation of the development a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning of the solar farm, along with the measures, and a timetable for their completion (to be completed within 12 months from cessation of the export of energy to the grid), to secure the removal of the solar farm equipment and all associated road, equipment and structures in accordance with the Decommissioning Method Statement.

In order to ensure that the approved development does not remain on site beyond the projected lifetime of the equipment installed in the interests of the visual amenity and character of the surrounding area in accordance with Policies SP1, LO8 of the Sevenoaks Core Strategy and Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

3) Within 21 days of the first exportation of the electricity generated from the site to the National Grid, notification shall be written to and acknowledged in writing by the local planning authority.

In order to allow the Local Planning Authority to adequately monitor the time scale of the development and for the avoidance of any doubt.

4) No development shall take place until a Construction and Traffic Management Plan (CTMP) shall be submitted to and approved by in writing by the local planning authority. The CTMP should include the details contained within the outline CTMP dated 23/01/23 prepared by Neo Environmental in technical appendix 5 and the details in the Further Transport Information dated 16/10/2023 prepared by Locogen, as well the following additional information; - Full details of the location of wheel washing facilities; - Details of street sweeping; - Detailed construction schedule to include the avoidance of HGV movements during peak times and to prevent two HGV deliveries at one time; - Details of the delivery booking system and delivery management; - Details of traffic management to avoid traffic stacking of heavy goods vehicles on local roads; - Details of site operation hours during construction and decommissioning; - Routes for construction traffic; - Temporary signage and its location in relation to the agreed routing details to and from the site; - Process for the prior notification of local residents of the intended delivery of any exceptional loads such as long low loaders or over hung vehicles along with contractor contact details; - Details of the Community Liaison Group to ensure local residents are kept informed of the detailed CTMP measures and provide a contact point for project enquiries. The approved plan/statement shall be adhered to throughout the construction period thereafter.

In the interests of highway safety, neighbouring amenity and visual amenity as supported by Policy EN1, EN2 and T1 of the Sevenoaks Allocations and Development Management Plan.

5) No development shall commence until a full condition survey of the existing roads 200m either side of the site access which form part of the construction traffic route, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this will require agreement with the local highway authority to identify any existing damage on the existing public highway with each defect and its location being mapped on a plan for the area. Within three months of construction finishing, a post construction condition survey will then be required across the same extent of adopted highway in order to identify and agree with the local planning authority any remedial works reasonably attributable to construction activities. Any identified highways defects resulting from construction activities will then be corrected to the satisfaction of the local planning authority and local highway authority.

In the interests of highway safety and visual amenity as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to the commencement of development the applicant, or their agents or successors in title, will secure: 1) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; 2) Further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; 3) A

programme of post excavation assessment and publication. The works shall be carried out in accordance with the approved details.

To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated, in accordance with policy EN4 of the Sevenoaks Allocations and Development Management Plan.

7) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority, in consultation with Network Rail and Kent as Lead Local Flood Authority. The detailed drainage scheme shall include details of site infiltration testing and shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove not to be practical then any surface water leaving site shall not exceed the existing greenfield run off rate for all rainfall events. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The development shall be carried out in accordance with the approved drainage strategy.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

8) Prior to the first use of the site, a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 169 of the National Planning Policy Framework.

9) Prior to the commencement of works, a Biodiversity Method Statement which details all precautionary mitigation methods to be implemented for the protection of protected and priority habitats and species will be submitted to and approved in writing by the Local Planning Authority. The method statement will be based on the information within Technical Appendix 2 Ecological Assessment and Appendices 2D and 2E by Neo Environmental dated February 2023, the Further Ecological Information Note by LocoGen dated October 2023, and the Great Crested Newt Risk Assessment by LocoGen dated October 2023. The method

statement shall also include details of an updated site walkover to be undertaken prior to works commencing to confirm that the condition/management of the onsite habitats is consistent with that recorded during the ecological assessment, such that the potential for protected species to occur has not changed and to identify any additional badger setts. Should new setts be identified during the pre-works walk over and/or monitoring during the construction period, all required surveys and mitigation/licensing will be implemented prior to further works being undertaken in the vicinity of the sett/s. The Biodiversity Method Statement will be submitted to the local planning authority for written approval, and subsequently implemented as approved.

To ensure the safeguarding of protected habitats and species, in accordance with policy SP11 of the Core Strategy.

10) No development shall take place until a construction environment management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall incorporate pollution control measures detailed within Technical Appendix 2 Ecological Assessment by Neo Environmental dated February 2023 and will incorporate the Biodiversity Method Statement submitted under Condition 9. Details will include the following: a) Purpose and objectives for the proposed works; b) Reference to the Biodiversity Method Statement; c) The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs; c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives; d) Extent and location of proposed works shown on appropriate scale maps and plans for all relevant species and habitats; e) Reference to any Environment Agency permits required and any relevant mitigation measures required; f) Method statement for the control of the invasive species Himalayan balsam, including actions to be taken during site clearance and construction to prevent legislation breaches in relation to the species; i) Reference to or inclusion of a detailed arboricultural method statement to protect retained trees; j) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; k) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake/ oversee works; l) Initial aftercare and reference to a long-term maintenance plan (where relevant); m) Disposal of any wastes for implementing work. The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

To ensure the safeguarding of protected habitats and species, in accordance with policy SP11 of the Sevenoaks Core Strategy.

11) Prior to commencement of works, a Landscape and Ecological Management Plan (LEMP) will be submitted to and be approved in writing by the local planning authority. The content of the LEMP will be based on the information within the Biodiversity Management Plan and Technical Appendix 2E by Neo Environmental dated February 2023 and the Landscape and Ecological Management Plan Drawing prepared by Neo Environmental dated March 2023. The LEMP will include the following: a) Description and evaluation of features to be managed, including control of invasive species; b) Constraints on site that might influence management; c) Aims and objectives of management, in alignment with the Biodiversity Net Gain habitat type and condition targets; d) Details of additional biodiversity enhancements to be provided; e) Details of proposed locations for, and long term management of, skylark plots within the wider land ownership; f) Appropriate management prescriptions for achieving aims and objectives; g) Information regarding remedial measures; h) Preparation of a work schedule; i) Measures to be implemented to ensure habitat connectivity for protected and priority species; j) Precautionary measures to be followed during operation with regard

to protected species; k) Details of a long-term monitoring program for all habitats (in accordance with the BNG targets) and for protected/priority species including breeding birds, bats, hazel dormouse, badger, reptiles, otter, water vole and invertebrates. A timetable for monitoring surveys will be included, with the first year post-construction to serve as a baseline; l) Details of the body or organisation responsible for implementation of the plan. The LEMP will include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer, with details of the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

To ensure the safeguarding of protected habitats and species, in accordance with policy SP11 of the Sevenoaks Core Strategy.

12) Copies of the habitat and species monitoring survey reports will be submitted to the Local Planning Authority for review in years 2, 5, 10, 20 and 30. These will include details of, and a timetable for, any required remedial measures.

In the interests of safeguarding biodiversity on the site in accordance with policy SP11 of the Sevenoaks Core Strategy.

13) Prior to the commencement of construction works, visibility splays of 50 metres x 2.4 metres x 50 metres at the access with no obstructions over 1.05 metres above carriageway level within the splays shall be provided and thereafter maintained.

In the interest of highway safety.

14) Within two months of the commissioning and operation of the site, a monitoring noise assessment measuring the noise from the transformers, inverters and equipment on the site shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the noise from the site does not have an adverse impact on nearby dwellings. The assessment should be undertaken within two months of commissioning, and should a loss of amenity be identified to nearby dwellings, then noise mitigation should be provided and implemented to eliminate the excess noise and thereafter retained, details of which shall be submitted to and approved in writing by the Local Planning Authority.

To ensure the development does not cause harmful noise pollution to nearby residential receptors and to monitor noise from the site once operational. In accordance with policy EN1, EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

15) The landscaping and planting works shall be carried out in accordance with the Landscape and Ecological Management Plan, reference NEO00936_0291_D, and in accordance with the implementation schedule as detailed on this plan. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

To protect the amenities of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

17) Prior to the installation of the solar panels, details of a crime prevention strategy shall be submitted to and approved in writing by the local planning authority. The development shall accord with the approved details and implemented prior to its first operational use.

To maintain the integrity and character of the area and designing out crime as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

18) No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing, details of the position, height, design, beam orientation, measures to control light spillage and intensity of illumination. Only the approved details shall be installed. Any lighting, which is so installed, shall thereafter be maintained and operated in accordance with the approved details and shall not be altered other than for routine maintenance.

To maintain the integrity and character of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

19) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 8195-DRW-DES-0014-Location Plan-v1.0, DES-0001, 0002, 0003, 0004, 0005, 0006, 0007, 0008, 0009, 0010, 0011, 0012, 0013, 0015 and NEO00936_0261_D.

For the avoidance of doubt and in the interests of proper planning.

Informatives:

1. Lead Local Flood Authority Advisory: KCC emphasize that additional ground investigation will be required to support the use of infiltration. It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time.

2. **Chemicals & Fuel Storage:** Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

3. **Highways Informative:** It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Description of site

- 1 The site relates to an agricultural grassed field, located to the north west of Hilders Lane. The site is flanked by railway lines to the east and south of the site, and is adjacent to the neighbouring authority Tandridge District which lies to the west and north of the site. The site boundaries are marked by mature landscaping and trees, with clusters of trees to the north, east and south of the site. The Kent Brook watercourse runs along the north and west boundary.
- 2 The site covers approximately 12.4 hectares within an agricultural and rural landscape, with clustered residential developments to the east and south. The application site lies on gently sloping ground and comprises a large grassland field. The surrounding context comprises a rural setting of undulating wooded farmland. The site itself does not lie in any national or local landscape designations but does lie within the Green Belt.

Description of proposal

- 3 Permission is sought for the construction of a solar photovoltaic farm for a period of use comprising 40 years. The proposals comprise PV panels mounted on metal frames, a new access track, substations, inverter substations, external transformers, switchgear kiosks, storage building, communications building, underground cabling, perimeter fencing with CCTV cameras and access gate, temporary construction compound and all ancillary grid infrastructure and associated works.

Relevant planning history

- 4 22/01945/FUL - Solar photovoltaic farm use for a period of 40 years, comprising PV panels mounted on metal frames, new access tracks, substations, inverter substations, transformer enclosures, switchgear kiosks, storage building, communications building, underground cabling, perimeter fencing with CCTV cameras and access gates, temporary construction compounds and all ancillary grid infrastructure and associated works. No decision issued (larger scheme, which extended across the District boundary with Tandridge District).
- 5 TA/2022/963 - Solar photovoltaic farm, comprising PV panels mounted on metal frames, new access tracks, substations, inverter substations, transformer enclosures, switchgear kiosks, storage building, communications building, underground cabling, perimeter fencing with CCTV cameras and access gates, temporary construction compounds and all ancillary grid infrastructure and associated works. Refused by Tandridge District Council.

Policies

6 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
- 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.

Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

7 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- SP2 Sustainable Construction and Low-Carbon Energy Generation
- LO8 Rural Economy and Countryside
- LO6 Development in Edenbridge
- SP11 Biodiversity

8 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage
- EN5 Landscape
- EN6 Outdoor Lighting
- EN7 Noise Pollution
- T1 Mitigating Travel Impact

9 Other

- Development in the Green Belt SPD
- Sevenoaks Landscape Character Assessment SPD
- National Planning Policy Guidance (NPPG)
- National Policy Statement(s) for Energy (including drafts)
- Community Infrastructure Levy Regulations

Constraints

10 The following constraints apply:

- Green Belt
- Flood Zone 2 and 3 on north and west boundary
- Area of high surface water flood risk on north and west boundary

Consultations responses

- 11 Edenbridge Town Council – Members support the application.
- 12 Limsfield Parish Council – Objection due to concerns regarding landscape character, Green Belt, heritage, flood risk and loss of agricultural land.
- 13 National Highways – No objection, proposal will not materially affect the safety, reliability and/or operation of strategic road network.
- 14 KCC Highways – No objections, recommends conditions regarding visibility splays, haulage route and road condition survey.
- 15 Surrey Roads – No objections, the impacts on the public highway can be mitigated to a sufficient degree that it falls below the bar of ‘severe’ impacts, recommends a Construction Transport Management Plan be secured by condition.
- 16 Lead Local Flood Authority – No objections, recommends conditions regarding detailed surface water drainage scheme and a verification report.
- 17 Environment Agency – No objections, recommends conditions regarding flood risk and contaminated land.
- 18 Environmental Health – No objections, recommends condition regarding noise monitoring once development is operational.
- 19 Tree Officer – No objections, notes planting on drawing number NEO00936_0291_D which is acceptable.
- 20 Urban Design Officer – No objections.
- 21 Natural England – No objections, the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
- 22 Network Rail – No objection, the applicant has engaged with the Asset Protection Team and conditions regarding site infiltration testing and a detailed drainage design are suggested.
- 23 KCC Archaeology – No objection, recommends condition regarding archaeological investigations.
- 24 KCC Ecology – No objections, sufficient information has been provided, recommends conditions regarding a biodiversity method statement, construction environmental management plan, landscape and ecological management plan and biodiversity monitoring.
- 25 Southern Water – No objection.
- 26 Kent Police – No objections, request a crime prevention statement be secured by condition. Comments regarding access, movement, surveillance, security, management and maintenance.

Representations

- 27 Over the three consultation periods, a total of 133 public comments have been received. These are broken down below:
- 28 Sixty (60) public comments received supporting the proposal, raising the following points (in order of times raised):
- Climate crisis and climate change (raised 47 times)
 - Benefit to wildlife and biodiversity (raised 45 times)
 - Benefit to local people, for example through investment to the local area (raised 43 times)
 - Reduce reliance on non-renewable energies (raised 42 times)
 - Energy crisis and cost of living crisis (raised 41 times)
 - Agricultural use will remain (raised 39 times)
 - Need for renewable energy supply (raised 15 times)
 - Will not affect longer views in landscape, site is not in AONB (raised 6 times)
 - Poorly performing agricultural land (raised 4 times)
 - Disruption from construction is short term (raised 3 times)
 - No increase to flood risk (raised 2 times)
 - Little impact once operational (raised 2 times)
 - Need for farms to diversify due to economic pressures (raised 1 times)
- 29 Seventy three (73) public comments received objecting to the proposal, raising the following concerns (in order of times raised):
- Impact of heavy lorries along local roads during construction and concerns with the haul route (raised 46 times)
 - Impact of flooding and concerns over flood risk (raised 40 times)
 - Impact on other highway users, for example walkers, cyclists and horse riders (raised 29 times)
 - Impact on landscape and public amenity, including concerns regarding AONB and SSSI (raised 22 times)
 - Ecology and impact on wildlife (raised 20 times)
 - Loss of agricultural land and food security (raised 18 times)
 - Damage to roads (raised 12 times)
 - Impact on Green Belt (raised 10 times)
 - Concerns regarding site access and safety (raised 10 times)
 - Noise impact (raised 7 times)
 - Other locations that are more suitable, for example brownfield sites (raised 7 times)
 - Traffic congestion (raised 6 times)
 - Visual impact on neighbours (raised 4 times)
 - For private interest and money (raised 4 times)
 - Lack of Very Special Circumstances (raised 3 times)
 - Suggesting alternative haulage routes (raised 3 times)
 - Solar does little to address energy problems / limited provision of electricity (raised 4 times)
 - Lack of local benefit (raised 2 times)
 - Impact on listed farmstead and heritage concerns (raised 2 times)
 - Impact on adjacent railway line (raised 2 times)
 - Long term maintenance of flood and SUDs features (raised 2 times)
 - Lack of community engagement (raised 2 times)

- Devaluing properties nearby (raised 1 time)
- Loss of trees and screening (raised 1 time)

Chief Planning Officer's appraisal

30 The main planning considerations are:

- Principle of development
- Best and Most Versatile (BMV) Agricultural Land
- Impact upon the Green Belt
- Impact to the character and appearance of the area
- Heritage Assets
- Impact to existing neighbouring amenity
- Highways
- Flood Risk
- Ecology
- Planning balance
- Other Issues

Principal of development:

31 Full planning permission is sought for the construction of a 10.7MW solar farm on approximately 12.4 hectares of land with associated access and electrical infrastructure. The site is located within the Green Belt.

32 The overarching aim of the planning system is to contribute to the achievement of sustainable development i.e. "meeting the needs of the present without compromising the ability of future generations to meet their own needs". This can be achieved through economic, social and environmental means. Moving to a low carbon economy, mitigating and adapting to climate change and using natural resources prudently fall under the environmental objective.

33 There is a strong national and international agenda to reduce CO2 emissions through the generation of energy from renewable sources.

34 Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable.

35 Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

36 Paragraph 013 Reference ID: 5-013-20150327 of the National Planning Practice Guidance is of most relevance to the proposals. This sets out a criteria of significant planning considerations that relate to large scale ground-mounted solar photovoltaic farms and states that:

"The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a

well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.”

37 In addition, National Guidance recognises that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;

- 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. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

38 The approach to assessing cumulative landscape and visual impact of large scale solar farms 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.

39 On 12 June 2019 the Government laid the draft Climate Change Act 2008 (2050 Target Amendment) Order 2019 to amend the Climate Change Act 2008 by introducing a target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This is otherwise known as a net zero target, thereby constituting a legally binding commitment to end the UK’s contribution to climate change. In response to the Committee on Climate Change’s report, in June 2019 the UK became the first country to declare a climate emergency and legislate long-term climate targets. This legislation led to the amendment of the Climate Change Act 2008, introducing a legally binding target to achieve ‘net zero’ by 2050. The pathway to net zero is now firmly enshrined in the UK’s statutory and policy provisions.

40 The National Infrastructure Strategy – Fairer, Faster and Greener (November 2020), sets out the UK Government’s plans to deliver on its ambition to ‘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.

- 41 Energy White Paper (December 2020). The White Paper's goal is for a shift from fossil fuels to clean energy.
- 42 The above documents outline the immediate and pressing need for deployment of renewable energy generation in the UK. It is clear that solar PV development is recognised by the Government as a key part of the UK's transition to achieving a low carbon economy. The direction of both international and national policy is to increase the amount of energy produced from renewable sources.
- 43 In addition to the above, the Council is committed to work towards achieving net zero carbon emissions for the Council and its assets by 2030 and also work with local communities to reduce carbon emissions within the District and to improve the resilience of the District to a changing climate. A Net Zero 2030 Action Plan has been adopted by the Council, also expresses that the Council would support the use of renewable energy technologies and opportunities both large and small scale.

Best and Most Versatile (BMV) Agricultural Land

- 44 The area of land related to the proposal is classified as 3b land and therefore does not constitute Best and Most Versatile Land, which is classified as Grade 1, 2 and 3a in the Agricultural Land Classification (ALC) system.
- 45 The Agricultural Quality Assessment (AQA) submitted by the applicant identifies three principle soil types on the site which form agricultural land of subgrade 3b quality. The AQA identifies that a principle limitation to agricultural use of the land is soil wetness associated with flood risk, which has been identified as a factor on this site as parts of the north and western boundaries adjacent to existing watercourses lie in flood zone 2 and 3. In light of this, the AQA concludes the site is 'moderate quality agricultural land'. The AQA outlines that 98% of the land is classed as subgrade 3b land and 2% is non-agricultural land (existing farm access tracks).
- 46 The land is currently used for the grazing of sheep. It is intended that for the 40 years of the generating solar farm operation, the grass below the solar arrays would continue to be grazed by sheep and therefore support agricultural production. The land would remain in agricultural use and would not entail the loss of BMV agricultural farmland.
- 47 The cessation of the development after 40 years of operation and reinstatement of former use is a matter that can be controlled by the imposition of a condition. As such, the development would not result in the permanent loss of farmland and the land would continue to be grazed by livestock for the duration of the operational period of the solar farm. Overall, it is considered that the proposal would not have a significant effect on agricultural productivity in the District, or more widely in Kent.

Impact on the Green Belt

- 48 As set out in paragraph 147 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

- 49 Paragraph 148 of the NPPF advises substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 50 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 51 Paragraph 151 of the NPPF confirms that, most renewable energy projects will constitute inappropriate development and that very special circumstances will be required. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 52 Upon considering paragraph 151 of the NPPF, the proposed development is not appropriate within the Green Belt and is by definition harmful to the Green Belt. Therefore a case of very special circumstances is required and will be assessed further in the planning balance section of the report.

Impact on the character and appearance of the area

- 53 The National Policy Statement (NSP) for Energy (EN-1 and EN3 2011) sets out projects that are to be considered by the NSIP process (Nationally Significant Infrastructure Projects) – which this application is not, the September 2021 draft update to NPS EN-3 contains more specific support and guidance for Solar Farm development as part of the government’s strategy for low cost decarbonisation of the energy sector. Paragraph 2.48.12 relates to the siting of such developments and notes that:
- “The applicant may choose a site based on nearby available grid export capacity. Locating solar farms at places with grid connection capacity enables the applicant to maximise existing grid infrastructure, minimise disruption to local community infrastructure or biodiversity and reduce overall costs. Where this is the case, consideration should be given to the cumulative impacts of siting a solar farm in proximity to other energy generating stations and infrastructure”.
- 54 Paragraph 2.51.2 of the draft update to NPS EN-3 relates to the prospective Landscape Impacts of solar farms and explains that:
- “The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing other onshore energy infrastructure. Solar farms are likely to be in low lying areas of good exposure and as such may have a wider zone of visual influence than other types of onshore energy infrastructure. However, whilst it may be the case that the development covers a significant surface area, 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.”
- 55 Policy EN1 of the ADMP states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in
- (Item 4.1) 15

- the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 56 Policy LO8 of the Core Strategy states that “the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible.”
- 57 The site lies some 1.2km from Edenbridge and is located in open countryside within the Green Belt. The site lies within the Sevenoaks Low Weald character area as identified in the Sevenoaks Landscape Character Assessment. The document identifies sensitive and valued characteristics for the landscape which development should conserve and enhance. The listed guidance particularly relevant to the site include retaining historic field patterns, conserving areas of woodland and ponds for historic records and biodiversity.
- 58 The siting and design of the proposed development has involved an iterative process, taking into account landscape constraints and opportunities and looking to minimise any adverse impacts wherever possible. The applicant has submitted a Landscape Visual Impact Assessment (LVIA) with the application to determine the impacts of the development upon the landscape and nearby receptors.
- 59 The site lies on gently sloping ground, with the highpoint of the site lying towards the eastern corner, with most of the site gently undulating and falling gradually to the west. The site comprises a large grassland field and the surrounding context comprises a rural setting. The fields that surround the application site are mostly enclosed by mature landscaping and tree belts that are characteristic in this landscape setting, providing structure and containment.
- 60 There is the Kent Brook watercourse to the north and west of the site, and railways lines to the east and south. The LVIA identifies the southern boundary as being more open. The wider landscape setting is defined by undulating wooded farmland with grassland fields bound by hedgerows, tree belts and woodland, with larger areas of woodland to the west. Within the wider locality there are public rights of ways (PRoWs), specifically to the southwest and northwest of the site which may offer intermittent views into the application site.
- 61 The site itself does not lie in any national or local landscape designations. To the north and west of the site, within Tandridge District area, the landscape is covered by the locally designated Area of Great Landscape Value (AGLV). This acts as a buffer to the Surrey Hills AONB and to protect views to and from the AONB. The LVIA identifies that the site has a medium sensitivity to this development type, and the landscape value is assessed as medium. The proposed development locates solar arrays within the existing field structure, away from existing hedgerows and PRoW, maintaining existing buffers to allow vegetation to mature.
- 62 Deer fence on wooden poles of up to 2m high is required around the site parameter and security cameras would be intermittently located on 3m high poles for site security. No external lighting is proposed but manual lighting may be attached to the substation and equipment cabinets in the event of emergency maintenance work during hours of darkness.
- 63 The solar panels would be no more than 3m in height. The LVIA identifies this as a relatively low height that can be screened by existing and proposed landscape features and planting. The height of the infrastructure buildings will in part be 3.2m

and the substation which will be 4m in height. As such, the solar arrays, while having limited vertical emphasis, would have a significant horizontal emphasis. The array and associated infrastructure would have a functional and somewhat, linear/monotonous appearance, given the solar panels would be mounted on long racks stretching across the site. The proposed development would have a very functional appearance. However, this is considered to be unavoidable, given the scale of the proposed solar generating farm and the need to capture as much of the available solar energy for conversion into electricity.

- 64 It is considered that effects on landscape character and visual amenity would primarily be confined within the site and immediately adjacent areas, with negligible effects for the wider area beyond the site. That is because the site benefits from the existing topography, intervening hedgerows and mature treed boundaries and tree belts. The development would also be limited vertically, with the solar arrays having a maximum height of 3m and the other buildings and structures, primarily associated with the provision of the substation, being no taller than 4m. The relatively low height of the solar farm would serve to reduce its effect on the area's landscape character and the visibility for receptors beyond the site.
- 65 Moreover, the design of the scheme has incorporated landscape and visual effects to ensure any visual landscape impacts are limited. The array is located in a single field, set back from northern and western boundary fringes. Mitigation includes areas of informal woodland shaw edge planting, which is characteristic of the surrounding landscape. The proposed planting would reflect existing landscape elements and the character of the area, and would tie in with existing vegetated boundaries of the site, helping in screening the clear views of the panels from the southwest.
- 66 The LVIA identifies the direct landscape effects as modifying the prevailing pastoral land use to a pastoral use which also incorporates renewable energy generation. The solar layout has been designed to retain existing vegetation and no notable or mature landscape features or trees will be removed. A small section of hedgerow (5m) adjacent to the existing field access would be removed but this is proposed to be replaced upon completion of construction. As such, the LVIA notes that effects are considered to be relatively localised to the application site boundaries and from localised points of orientation to the southwest, typically within 400m. From other points to the southeast, east, north and west views, the effects are restricted by woodland, tree belts and existing land cover patterns.
- 67 The LVIA outlines that from the southwest the proposed development would be seen from isolated close range points with views in the short term to the western edge of the site. However the extent of development at this point would be limited to a section of the panels on the western site edges between wooded field boundaries and the views from here would be isolated and can be mitigated in the longer term by the mitigation planting proposed.
- 68 The proposed solar farm retains the existing field pattern through the retention of existing hedge and trees lines. The existing treeline dividing the fields in the south-eastern corner of the site has historically marked the edge of woodland called Batchelor's Wood shown on maps dating to the late 1800s therefore it is important this tree line is maintained to conserve the historic enclosure pattern and woodlands in line with Landscape Character Assessment SPD, as the proposal demonstrates.
- 69 In the medium to longer term the proposed mitigation planting would aid in screening the development along the western and southern boundaries, as well as integrating

the development into the surrounding landscape with new contributions to landscape character. The solar farm would be operational for 40 years and after this the land will be returned to its former use.

- 70 The LVIA looks at the likely effects from wider range viewpoints surrounding the site. It concludes that beyond the site boundaries to the north, east, northwest and beyond 400m to the southwest, the scale of effects reduces to no more than 'minor', particularly once the mitigation planting along the more exposed western boundaries and gapping up of vegetation of other field boundaries has matured. Outside these areas, the development would largely be screened from wider visual receptors by the strong wooded pattern of land cover within the landscape and the low levels of visibility, particularly from publicly accessible locations. At the end of the development lifespan, the predicted effects are reversible as the land would be returned to its former agricultural use, similar in form to its current state.
- 71 It is noted that Tandridge District Council refused planning permission for a larger solar farm that occupied 24 hectares in total covering both Sevenoaks and neighbouring Tandridge land. This application was refused by Tandridge partly due to identified landscape harm. The site on the Tandridge side is more constrained, with an identified Area of Great Landscape Value and the Surrey Hills AONB nearby. This decision has been reviewed and considered as part of this assessment. However, under this application, the site occupies a much reduced area and is not constrained by any formal landscape designations. The site on the Sevenoaks side alone is further separated from the Surrey Hills AONB, sited some 1.93 miles from this AONB and approximately 1mile from the Kent Downs AONB at the closest point to the north. The site occupies a reduced area and is considered well screened in terms of wider landscape views due to the topography and boundary treatments. Moreover, the applicant is now proposing further mitigation planting on the western site boundary that is closest to neighbouring land in Tandridge. The reduced site area and enhanced mitigation planting is considered to be acceptable.
- 72 Overall, it is considered that the effects on landscape character and visual amenity beyond the site would be mitigated to an acceptable level through the reinforcing of hedgerows and additional landscaping/planting. In terms of the avoidance of significant harm to landscape character and visual amenity of the area beyond the site, the conclusions of the submitted LVIA is agreed and it is considered that there would be no conflict with the provisions of paragraph 158 of the NPPF, paragraph 13 (Reference ID: 5-013-20150327) of the Renewable and Low Carbon Energy section of the NPPG, Policies LO8 of the Core Strategy and EN1 and EN5 of the ADMP.

Heritage Assets

- 73 Paragraph 199 of the NPPF outlines that local authorities should conserve heritage assets in a manner appropriate to their significance. Any harm, which is less than substantial, must be weighed against the public benefit of the proposal (paragraph 200-202).
- 74 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 75 Policy EN4 of the ADMP relates to proposals that affect a heritage asset or its setting, it supports proposals where the character, appearance and setting of the asset is conserved or enhanced.

- 76 The applicant has provided a Heritage Impact Assessment. This confirms there are no designated or non-designated heritage assets within the site and no direct effects on any heritage assets would occur.
- 77 The indirect impacts upon the surrounding heritage assets have been assessed as 'low to negligible', therefore no specific mitigation is considered to be required.
- 78 The closest listed building is Yew Tree Farmhouse which is sited some 0.2km from the site. The heritage assessment identifies a low to negligible impact upon this heritage asset as the views from the listed building to the site are heavily screened by vegetation along the railway embankment. Batchelors Farm House and Granary are sited 0.3km east of the site and the heritage assessment identifies that the proposal would have a negligible impact on this heritage asset in terms of views and visibility due to the existing tree belts and woodland setting. There is no direct intervisibility between the panels and listed buildings, nor are the solar panels seen in the context of the listed buildings.
- 79 Moreover, Bombers Farm House, Black Robins Farm House and Barn, Gaywood and Hilders Farmhouse and Barn are also listed buildings located between 0.5km and 0.9km from the site. The heritage impact on these cases is negligible impact from the proposals. Whilst there are other listed buildings in the wider context of the site, these are in excess of 1km from the site boundaries are not considered to be impacted by the proposals. There are no notable cumulative landscape or visual effects that are expected to occur on any of the surrounding heritage assets identified.
- 80 Starborough Castle, a Scheduled monument, is located approximately 3.5km to the south of site and the development would have a negligible impact upon this asset. In terms of historic parks and gardens, Chartwell is sited approximately 4.4km to the northeast of the site and again the development would pose a negligible impact.
- 81 Regarding in ground heritage, the site lies in a rural area and the terrain is considered favourable for prehistoric activity and occupation. There is a roman road running north to south through Edenbridge but there are no indications of Roman or early medieval activity on the site. KCC Archaeology have assessed the desktop archaeological assessment and, in view of the archaeological potential, it is recommended that field evaluation works be secured by condition. Moreover, the applicant's heritage assessment also identifies potential for sub-surface archaeological remains and a programme of archaeological works can be secured via condition.

Impact upon neighbouring residential amenity

- 82 Policy EN2 and EN7 of the ADMP seeks to safeguard the amenities of existing and future occupants of nearby properties, including from excessive noise, activity or vehicle movements.
- 83 The solar panels would be sited some 270m from the residential properties to the north east of the site, over 220m from properties to the east, some 208m from dwellings along Hilders Lane to the south east, some 120-130m from the dwellings south of the site past the railway line and some 350m from properties to the west of the site. The nearest residential dwellings are those to the south of the site along

Honeypot Lane. These properties back onto the railway line and the solar panels, at the closet point, would be some 120m away. There is a significant buffer left along the southern boundary, with the railway lines, and mature tree belt and landscaping separating these properties from the site. Considering the separation distance and buffer between the panels and these properties to the south, these properties would not have a clear or direct view of the solar array.

- 84 The solar panels are designed to absorb light rather than reflect it. Any glare would appear as a sheen and the solar panels take on a lighter colour for a period of time, glare would not occur in the same way as reflections off a mirror. There are few properties nearby that are not within very close proximity and, due to the orientation of the panels, it is not therefore considered that there is any significant potential harm to neighbouring dwellings by means of glint and glare.
- 85 A glint and glare assessment has been provided. This assessment considers the potential impacts on ground-based receptors such as roads, rail and residential dwellings as well as aviation assets. A 1km study area around the site was considered adequate for ground receptors and a 30km study area for aviation receptors was conducted. Within 1km of the site there are 41 residential receptors, 43 road receptors and 23 rail receptors. 10 residential receptors, 14 road and 5 rail were not included as they are sited in the no reflection zones. The assessment highlights nine aerodromes which are located within 30km of the site and the development falls within their respective safeguarding buffer zones.
- 86 Geometric analysis was conducted at 31 individual residential receptors, including eight residential areas, 29 road receptors and 18 rail receptors, as well as three runways and an air traffic control tower (ATCT) at Redhill Aerodrome, one runway and an ATCT at Biggin Hill Airport, and two runways and an ATCT at Gatwick Airport. The assessment highlights that solar reflections are possible at 26 of the 31 residential receptors assessed within the 1km study area. Reviewing the actual visibility of the receptors, the glint and glare impacts were 'low' at two receptors and 'none' at the remaining 29. Solar reflections were found to be possible at 20 of the 29 road receptors within the 1km study area. From reviewing the actual visibility this reduces any glint and glare impacts to 'none' at all receptors. Solar reflections were possible at 14 of the 18 rail receptors within the 1km study area, when reviewing actual visibility glint and glare impacts reduce to 'low' at one receptor and 'none' to the remaining 17 receptors.
- 87 Regarding the impact on aerodromes, upon reviewing the ground elevation profiles between the ATCTs and the proposed development, the impacts on the ATCTs reduce to 'none' and no glare impacts are predicted on Biggin Hill Airport. Therefore, the assessment concludes the impact on aviation assets is not significant. The assessment concludes that mitigation measures are not required as the identified impacts on residential, road and rail receptors will be 'low' to 'none'. As such, the development would not be considered to pose harmful glint and glare impacts on nearby residential and transport receptors.
- 88 Regarding noise, it is not considered that there would be any harm through noise and disturbance during the operational phase. A noise impact assessment has been submitted. The assessment of acoustic impact was undertaken in accordance with BS 4142: 2014+A1:2019 and the results showed low and negligible impacts during night time periods are anticipated and therefore no mitigation is required. The levels recorded at each receptor were below the Night Noise Guideline value set out in the

World Health Organisation Night Time Guidelines. The proposed development is therefore in line with policy EN7 and acceptable in terms of noise impact.

- 89 The Council's Environmental Health officer has raised no objections to the scheme. They note that the use of octave data may mask identifiable tonality or characteristics and despite the low levels identified a correction should be applied if working to a worst case scenario. Whilst a desk top exercise, they believe the levels identified and, if corrected for characteristic/ tonality, would still give levels that are acceptable. It is recommended that a condition for noise monitoring be secured, requiring the evaluation of the noise from any transformers or inverters to demonstrate that the noise from the site does not have an adverse impact on nearby dwelling should be secured. The assessment should be undertaken within two months of commissioning and should a loss of amenity be identified to nearby dwellings, then noise mitigation should be provided to eliminate the excess noise.
- 90 Conditions relating to a construction management plan and hours of work are designed to mitigate against any harm to residential amenity during the construction phase of the development.
- 91 Upon considering the above, it is concluded that this proposal would not have a materially harmful effect on the living conditions of the occupiers of nearby dwellings and would not conflict with Policy EN2 of the ADMP.

Highways Impact

- 92 The construction/decommissioning phases of the proposal are to generate the most traffic movements. The construction phase of the proposal is to take approximately 4 months. Once the development is completed the site will generate minimal vehicular movements, only to maintain and service the site. This is predicted to be no more than 10-15 light good vehicles per year which is not considered significant.
- 93 Following concerns raised by local residents and the previous objection raised by Surrey County Council Highways Authority, the applicant has reviewed the proposed construction timetables and delivery requirements, as well as reviewing the proposed haulage route.
- 94 The delivery schedule originally took the approach of condensing the initial deliveries of hardcore and gravel within the first 2 weeks to minimise the length of time the peak deliveries would last. The resulting peak deliveries of some 15 HGVs per day has been a source of concern for many local residents. The applicant now proposes undertaking these deliveries over a four-week period, reducing the estimated peak daily HGV deliveries over that 4 week period to 7 deliveries per day. Outside of this peak construction period estimated daily average HGV deliveries will be 3 to 5 per day throughout the remainder of the construction phase. Whilst these estimates are provided it is however acknowledged that vehicle trips will vary at times.
- 95 The applicant states this is the maximum level of HGV deliveries and that there is still the potential that this could be further reduced if aggregate requirements also reduce. This will be known when a detailed engineering assessment of the access track and other requirements on site have been undertaken and can be secured by a condition requiring a detailed Construction and Transport Management Plan.
- 96 Regarding the HGV haulage route, following discussions with Surrey Highways, the applicant is proposing the use of two haulage routes. Deliveries will be directed from

the M25 onto the A22 and then to the A25. Tipper lorries for the delivery of hard-core will access the site via Red Lane, labelled as route B. It is noted that this route has a 4.2m height limit which will prohibit the largest HGVs required for some deliveries. Route B has been assessed as being suitable for tipper lorries with the use of temporary traffic lights on the single track railway bridge on Dwelly Lane. The use of a second haulage route, route B, would effectively halve the number of trips proposed along Short Lane and Grants Lane throughout the construction programme. The use of route B would therefore reduce the HGV movements and traffic proposed along route A. Further mitigation in the way of warning signage, off-peak delivery timings and strict traffic management measures are proposed and can be secured, in agreement with Surrey Highways, through a detailed Construction and Transport Management Plan condition.

- 97 In the Construction Management Plan document submitted as part of the application, the applicant advises that a delivery booking system will be adopted to manage timings of deliveries in an efficient manner with minimal disruption. Deliveries can be managed and scheduled to ensure no vehicles are waiting on the local road network and to prevent two HGVs meeting on narrow roads. Furthermore, the applicant's assessment considers the junctions along the haulage routes are wide enough for vehicles to pass and have good visibility. Concern has been raised around the Network Rail bridges which narrow to single lanes and have limited visibility, so it is proposed to use temporary traffic lights to mitigate this for main periods of heavy haul activity along the route. Also, as stated above, an alternative haulage route can be used to reduce the traffic along route A. A more detailed traffic management plan can be secured by condition. These overall proposed traffic volumes are not considered to pose a threat to the highway network that would be 'severe' as per paragraph 111 of the NPPF.
- 98 The site is accessed from an existing farm access off Hilders Lane at the south of the site. An Automatic Traffic count survey was conducted by the applicant to gauge speeds along this part of Hilders Lane. This showed an average speed of 27.1mph along the road and therefore visibility of 50m and 2.4m is considered acceptable, with 6.5m of hedgerow trimming required to achieve this visibility. Swept path analysis shows that the removal of 5m of hedgerow will be required to allow the largest vehicles to enter the site. This hedgerow will be replanted elsewhere as mitigation. Moreover, the applicant will also conduct a 200m pre and post condition survey either side of the access point and will be liable to repair any damage to the road attributed to the construction of the development. It is also proposed that the applicant will create a Community Liaison Group to ensure local residents are kept informed of the detailed CTMP measures and provide a contact point for project enquiries.
- 99 Further mitigation can be used by ensuring the construction times are strictly controlled and that further details in relation to operation hours, wheel washing facilities etc. can be secured via the submission of a Construction and Transport Management Plan. In accordance with paragraph 111 of the NPPF, with the proposed mitigation measures secured, it is considered that the development would not have a harmful impact upon the strategic and local road network to justify a reason to object. Highways England, Surrey Highways and KCC Highways raise no objection to development.

Flood Risk

- 100 Paragraph 159 of the NPPF states that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”
- 101 The majority of the site lies in Flood Zone 1. Sections of the site that are adjacent to the watercourse of the Kent Brook along the northern and western boundary lie in Flood Zone 2 and partially in Zone 3. Moreover, there are some highlighted areas of high, medium and low surface water flood risk along the site boundaries and within the site.
- 102 The applicant has provided a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA). This states that only security fencing and CCTV poles are proposed in Flood Zone 2, with the panels all sited in Flood Zone 1 and none of the development to be sited in Flood Zone 3. It is proposed that surface water from impermeable areas will be managed through using swales and filter drains prior to a restricted discharge into the Kent Brook at the QBAR Greenfield rate.
- 103 The proposed drainage scheme comprises constructing multiple filter drain/soakaways within the site. The location of these have been chosen on the downward slope, near to the Kent Brook. It is proposed to capture overland flow in the SuDs, prior to releasing into the natural surface water system. The proposed filter drains/soakaways will have an overall length of approximately 510m, with a base width of 0.5m and a 0.5m design depth. It will be filled with crushed rock with a void ratio of 20% and will provide a total storage volume of approximately 25.5m³. The assessment states that this is greater than the volume of additional runoff generated as a result of the impermeable buildings. It is therefore considered in the assessment that this not only adequately mitigates the increase in flow rates as a result of the minor increase in impermeable area but provides an improvement. The SuDs features will be implemented during the construction phase of the development and the filter drains/soakaways will be planted with vegetation to protect against soil erosion and will be maintained throughout the lifespan of the development. The exact discharge points will be finalised as part of the detailed drainage design which will be secured by condition.
- 104 Additional drainage measures proposed to be implemented on-site include the following:
- Solar Panels - current grass cover is to be retained or reinstated adjacent to and under panels in order to maximise bio-retention;
 - Access tracks are to be unpaved and constructed from local stone. Swales or similar shall be utilised to collect runoff from access tracks, where required, however these will be designed at the detailed design stage;
 - Inverters, transformers, substations - filter strips will surround the concrete bases of the ancillary buildings to capture any runoff from the roofs. This will be discharged to a percolation area or into the sites drainage network where it is close enough. Should surface water accumulate around any of these locations then a simple soakaway can be constructed to allow water soak into the underlying subsoils.

- 105 The Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) demonstrates that the proposed development will not increase flood risk away from the site during the construction, operation and decommissioning phases.
- 106 KCC as the Lead Local Flood Authority and the Environment Agency have reviewed this information and neither raises objections nor concerns. KCC recommend that the incorporation of filter trenches at certain intervals before the soakaway trench is considered as part of the more detailed drainage design to trap and slow the water as it traverses the site and thus not increase the risk of flooding to or from the site. They also advise that further site testing and surveys will be undertaken with regards to the utilisation of infiltration on the site to inform the more detailed design. Whilst no volumetric calculations have been provided by the applicant for attenuation (should infiltration prove unfeasible) given the space available on site this poses no concern from KCC at this stage.
- 107 Regarding the public concerns raised about drip lines being created and increasing the volume of overland flow given the impermeable nature of the soils here, KCC suggest that any increase in offsite flows would be negligible. Rainwater will hit the panels and flow to the grass beneath. As part of the detailed design submission, KCC require for it to be demonstrated that surface water flows leaving the site are not increased and that they do not have a detrimental effect to water quality. The detailed drainage design can be secured by condition, as recommended by KCC.
- 108 A residents group have submitted a technical flood report by GWP. This raises concerns regarding flood risk as a result of the development, development encroaching into the Flood Zone, increased risks of blockages in watercourses, impermeable bedrock and lack of filtration, higher site runoff rate calculations, lack of consideration for fluvial and pluvial flood risk, soil erosion and drip lines from concentrated runoff from panels. This report has been thoroughly reviewed by the Council and KCC as Lead Local Flood Authority.
- 109 KCC have reviewed this document and provided additional comments. They summarise that the concerns raised are in relation to the perceived lack of consideration of the impermeable area created by the solar panels themselves, the additional surface water runoff that arises from them and the methods proposed to manage the additional surface water. As given in the GWP report the solar panels cover an area of 5ha which currently has a greenfield QBAR run off rate of 60l/s. As part of a further detailed design submission, as set out in the recommended condition wording from KCC, a detailed drainage scheme will be required to be submitted which must demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site, prior to any construction works commencing.
- 110 KCC acknowledge that the geology of the site is highly impermeable and so infiltration will be minimal at best, with the majority running off as surface flows, however, this is no different to the current situation (other than the flow paths being concentrated in areas). The Flood Risk Assessment provided states "Rainwater falling onto each panel rack will drain freely into the ground beneath the panels and infiltrate into the ground at the same rate as it does in the site's existing greenfield state." This means that essentially the rainfall run off from the panels will shed to the ground and infiltrate (all be it minimally) with the remainder running off of site as per the existing situation.

- 111 Whilst the cumulative rate of run off from the site is likely to remain unchanged because of the solar panels, it is accepted that due to the orientation of the panels on the slope that the flows will be concentrated into paths where previously a sheet flow was achieved. However, the incorporation of additional filter trenches at certain intervals before the soakaway trench, as part of the detailed drainage design strategy, will prevent the onward flow of concentrated channels of water.
- 112 Further to this, in order to demonstrate that the risk has been suitably considered and the proposed protection methods acceptable, KCC will expect for any detailed design submission, as required by the recommended conditions, to provide further clarification on the methods proposed within the original FRA to reduce the risk of soil erosion.
- 113 The GWP report raises the fact that the sequential test has not been considered. The NPPF at paragraph 161 states that: "All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property." The requirement for a viable and available grid connection is a significant a driver for site selection and this site has been selected due to the viable and available grid infrastructure. The majority of the site lies within Flood Zone 1 and the Lead Local Flood Authority and Environment Agency have raised no objections or concerns with the proposals. It is not considered that the sequential test or exception test is necessary in this instance.
- 114 Overall, through the use of conditions securing a detailed drainage design strategy, the proposal is considered acceptable with regards to flood risk and drainage.

Ecology

- 115 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 116 KCC Ecology have reviewed all the ecology information submitted by the applicant and accept the findings of the updated assessments, confirming that sufficient information has been provided.
- 117 As detailed within the ecological reports and additional information, precautionary mitigation measures will need to be implemented for protected/priority habitats and species including hedgerows, trees, the Kent Brook, hazel dormouse, Great Crested Newt (GCN), reptiles, badger, otter, water vole, breeding birds (including ground-nesting species) and hedgehog. It is recommended a condition is attached to secure the provision of a Biodiversity Method Statement prior to the commencement of works. The method statement will inform the Construction and Environment Management Plan, which can also be secured as a condition.
- 118 An outline Landscape and Ecological Management Plan (LEMP) has been provided in the form of a Biodiversity Management Plan. To ensure successful biodiversity enhancement through appropriate long-term management and monitoring, it is advised that a condition for a detailed LEMP is attached. This will align with the Biodiversity Net Gain proposals, to show how management will ensure that the proposed habitat types and target condition values are achieved and maintained.
- 119 The metric calculation for the site has been submitted and reviewed by KCC Ecology. The metric shows a 171% proposed gain in area habitats and 100.6% gain in linear

habitats (hedgerows). It is also demonstrated that the trading rules have been met. It is noted that most of the unit gain will be through the enhancement of existing modified grassland to other neutral grassland. The achievement of this will depend on successful implementation of seeding and appropriate long term management, proposed to include a mixture of seasonal sheep-grazing and mowing of an annual hay-cut. In parallel with the Landscape and Ecological Management Plan (LEMP), a Biodiversity Net Gain Management and Monitoring Plan will be required. This will include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports. Under the Plan, BNG Audit Reports will be submitted in years 2, 5, 10, 20 and 30 from completion of the construction period, demonstrating how progress is being made towards achieving BNG objectives. Evidence of any remedial measures will also be included. The Biodiversity Net Gain Management and Monitoring Plan can be secured by condition.

- 120 KCC Ecology highlight that it is essential that current management of the site continues to ensure that the findings of the ecological assessment, and the proposed mitigation measures, remain valid. It is understood that the site is currently sheep grazed with a resulting average sward height of <15cm and as such has low suitability for nesting skylark. The applicant has confirmed that sheep grazing will continue on the site once the panels are operational.
- 121 Regarding the decommissioning phase, the land will be returned to agricultural use. To ensure that the created and enhanced habitats are considered in any future management of the site, it is recommended that an ecological impact assessment, and completion of any required mitigation, is provided prior to the decommissioning of the solar array. This can be secured by condition.
- 122 Overall, the proposal is considered acceptable with regards to biodiversity and accords with the ecology principles of the NPPF and policy SP11 of the Core strategy.

Planning Balance

- 123 The development does not accord with the adopted development plan in that it does not fall within the limited categories of development permitted in the Green Belt, and therefore constitutes inappropriate development in the Green Belt which, by definition, is harmful. The harm in this case is significant as it constitutes the loss of openness over an extensive area of Green Belt, albeit (apart from the substation) low lying loss of openness due to the height of the solar panels being 3m in height.
- 124 Whilst there may be a minor degree of harm to the local landscape character, this impact would be lessened by the landscape mitigation measures proposed and is not the extent of conflict with national or local policy to warrant significant harm. In terms of the need for the Green Belt location, the site allows access to an available and viable grid connection and utilising existing infrastructure means there will be limited development associated with the grid connection. In other mitigation, the scheme provides biodiversity enhancements and can demonstrate a significant biodiversity net gain, as well as comprehensive soft and native species planting, including new woodland planting and reinforcing existing hedgerows where required. Moreover, the proposal does not result in the temporary loss of best most versatile agricultural land and the land will still be used for the purposes of grazing livestock around the panels.
- 125 The principal benefit of the proposal however is down to the public benefit that would arise from the generation of renewable energy. The National Planning Policy Framework sets out that in the case of renewable energy projects, 'very special circumstances' can include the wider environmental benefits which could be achieved

through the development. This carries the objective of reducing the reliance on unsustainable energy generation in the interests of reducing the impacts of climate change. This is directly linked to the UK commitment to reducing the impact of climate change. It is considered that the proposed development would make a positive contribution and would bring positive wider environmental benefits, and this should be given weight in determining this application.

- 126 The test for finding very special circumstances is that the harm to the Green Belt must be considered in conjunction with any other harm found. The NPPF attributes 'substantial' weight to the harm to Green Belt, and on this basis it is clear that any special circumstances found must be of more substantial weight in order to clearly outweigh that harm. The onus is with the applicant to demonstrate that very special circumstances exist so as to outweigh the harm.
- 127 The point of connection is a significant a driver for site selection and contributing towards very special circumstances discussed below. Paragraph 006 of the NPPG advises that 'Examples of considerations for particular renewable energy technologies that can affect their siting include proximity of grid connection infrastructure and site size.' It is of course true that a solar farm cannot be developed without a suitable grid connection.
- 128 The applicant has stated that solar farm would bring about the following green energy benefits:
- An expected generation of 10.7GWh of renewable energy that could generate power to approximately 3,700 homes per year via the local grid network;
 - Lowering of CO2 by 4,772 CO2 tonnes annually and 190,880 CO2 tonnes over lifespan of development;
 - Lowering of other harmful gases including sulphur dioxide and oxides of nitrogen;
 - Reducing reliance on fossil fuels and non-renewable sources;
 - Helping the UK, and more locally Sevenoaks, to reach climate change targets;
 - All electricity generated will feed into the national grid.
- 129 The proposal will generate power to feed into the existing grid infrastructure. Grid capacity is essential for the viability of a renewable energy scheme and is rarely available, making it an excellent opportunity to deliver a scheme in this area where capacity exists. There are also economic benefits by job creation during the construction phase of the development, and that the scheme will create additional non-domestic rates that would benefit the District. It is estimated that during the construction phase and decommissioning phase the development could create 30 on site jobs in terms of construction workers. Moreover, the operational timeframe of the solar farm is expected to be 40 years, after which the land can be returned to its current condition. The development is therefore fully reversible and not permanent in nature longer term.
- 130 Having regard to the above, the application proposals make an appreciable contribution to meeting the amended Climate Change targets as set out within the Climate Change Act 2008 (2050 Target Amendment) Order 2019. In the context of a declared climate emergency, the benefits of the scheme must weigh heavily in the planning balance. It is considered that the public benefit from the provision of the solar farm outweighs any residual harm to the landscape character of the area and openness of the Green Belt. It is considered that very special circumstances exist to sufficiently outweigh the identified harm to the Green Belt in this instance.

Other Issues

- 131 The objections raised by third parties have been thoroughly reviewed, considered and where appropriate the issues have been discussed above. That said, it is recognised that there will be some harm that the development attracts, however where appropriate, the harm will be mitigated and measures that would make a positive contribution to the locality, as well as making a clear contribution in delivering renewable energy which is a national/local priority.

Community Infrastructure Levy (CIL)

- 132 The development is not CIL liable.

Conclusion

- 133 The proposed solar farm development is relatively low-level itself and the horizontal nature of this type of development, and the fact that it would follow the existing contours of the land, makes it less visually intrusive than most other types of development. The site is well screened with limited views experienced and only within close proximity of the site. As such, the development has a limited impact upon the openness of the Green Belt. However, by definition there is harm to the Green Belt by reason of its inappropriateness. That said, the identified socio-economic and positive environmental benefits of the scheme, collectively, weigh heavily in support of the scheme and that can be considered as very special circumstances sufficient to outweigh the identified harm. There are no other issues that could not be addressed by use of appropriate conditions.
- 134 On considering the above, it's recommended that this application is granted, as there are no other overriding material considerations to indicate otherwise.

Recommendation

- 135 It is therefore recommended that this application is APPROVED.

Background papers

- 136 Site and block plan

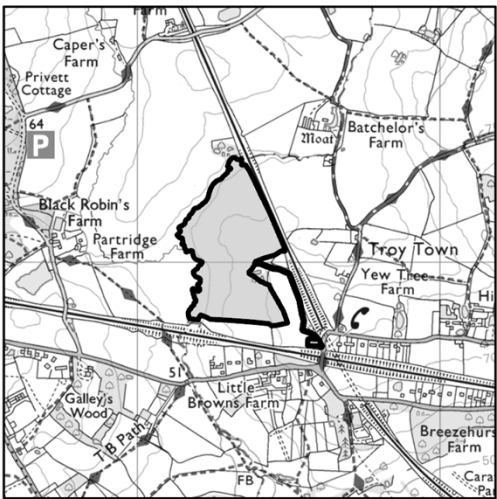
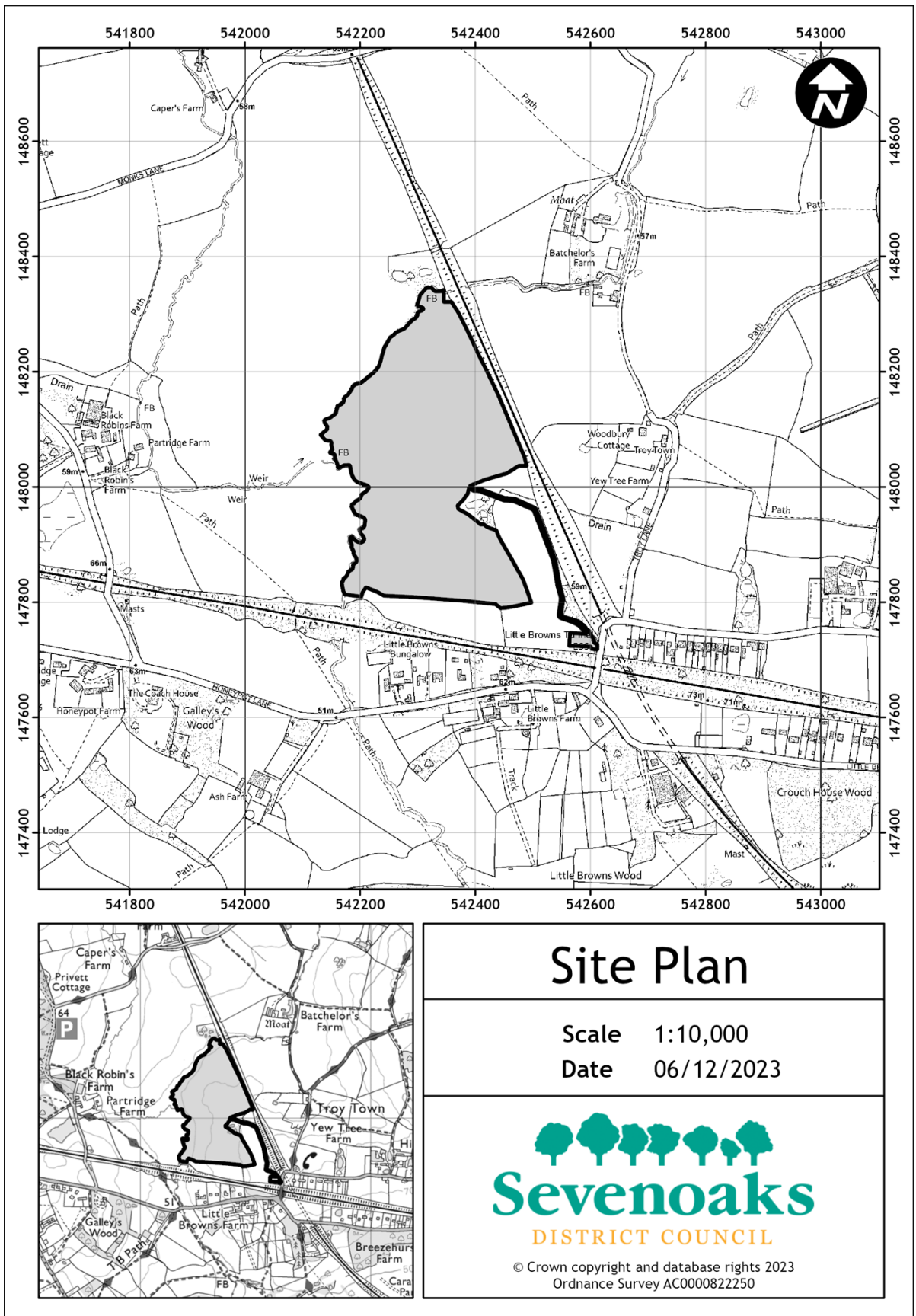
Contact Officer(s):

Anna Horn: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:10,000
Date 06/12/2023



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Ordnance Survey AC0000822250

BLOCK PLAN

