

**R10**

**F/TH/23/1209**

**PROPOSAL:** Erection of a renewable energy generating solar farm (41.55 ha) together with substations, parts workshop, security measures, associated infrastructure together with landscaping

**LOCATION:** Land East And West Of Hengrove Farm Shottendane Road  
MARGATE Kent CT9 4NH

**WARD:** Thanet Villages

**AGENT:** Mr Ben Parkins

**APPLICANT:** Mr Jonathan Hall

**RECOMMENDATION:** Refuse Permission

For the following reasons:

1 The proposed development by virtue of its location, scale, introduction of built form and proposed mitigation would result in substantial harm to the rural and unspoilt open character and distinctive landscape qualities of the countryside, which defines the role and character of the Central Thanet Undulating Chalk Farmland and Manston Chalk Plateau Landscape Character Areas. The identified benefits would not outweigh the harm to the landscape in this highly sensitive location and therefore the proposal does not constitute sustainable development, contrary to Policies SP24, SP26 and CC06 of the Thanet Local Plan, and Paragraph 180 of the National Planning Policy Framework.

2 The proposed development would fail to secure adequate mitigation/compensatory habitat to offset the loss of farmland bird habitat, resulting in significant harm to biodiversity, contrary to Thanet Local Plan Policy SP30 and Paragraph 186 of the National Planning Policy Framework.

#### SITE, LOCATION AND DESCRIPTION

The site lies to the west of Flete. The application proposes the construction of a solar farm which would comprise two parcels of land, one parcel is bound by Manston Road (eastern parcel) whilst the other is bound by Woodchurch Road (western parcel). The site is currently in arable agricultural use, producing a variety of crops and situated within the open countryside and designated Landscape Character Areas.

#### RELEVANT PLANNING HISTORY

There is no planning site history.

## PROPOSED DEVELOPMENT

The scheme seeks permission for installation of a 30 Megawatts (MW) photovoltaic solar farm with a total site area of 41.55 hectares on land at Hengrove Farm. The proposed solar farm has an expected lifespan of 40 years.

The application site comprises two parcels of land connected by an underground cable route together with an internal access track and compound area. In addition to the PV Panels the works would comprise substations, transformer, workshop and storage container, security measures, associated infrastructure together with landscaping.

Vehicular access to the site would be from Manston Road (eastern parcel bound by Manston Road). The wider cable route connecting the solar development does not form part of this application and the point of connection would be an existing substation facility on Strasbourg Street within Westwood Industrial Estate. The construction period associated with the development is expected to last approximately 5 months.

The application is accompanied by an Environmental Statement (ES) under the Environment Impact Assessment regulations (2017).

## DEVELOPMENT PLAN POLICIES

### **THANET LOCAL PLAN 2020:**

Policy SP24 - Development in the Countryside  
Policy SP26 - Landscape Character Areas  
Policy SP27 - Green Infrastructure  
Policy SP30 - Biodiversity and Geodiversity Assets  
Policy SP35 - Quality Development  
Policy SP37 - Climate Change  
Policy E15 - Farm Diversification  
Policy E16 - Best and Most Versatile Agricultural Land  
Policy GI06 - Landscaping and Green Infrastructure  
Policy HE01 - Archaeology  
Policy CC04 - Renewable Energy  
Policy CC06 - Solar Parks  
Policy QD01 - Sustainable Development  
Policy QD02 - General Design Principles  
Policy QD03 - Living Conditions  
Policy SE05 - Air Quality  
Policy SE06 - Noise Pollution

## NOTIFICATIONS

Letters were sent to neighbouring occupiers, a site notice was posted and an advert placed in the local newspaper.

No representations have been received in response.

**Manston Parish Council:**

Members of Manston PC are in support of this application and have no objections or comments.

CONSULTATIONS

**Natural England:**

*April and May 2024*

Standing advice response provided, not specific to the proposal or additional information requested.

*Comments dated December 2023*

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 2nd November 2023 (Our Ref:452637).

The advice provided in our previous response applies equally to this re-consultation.

*Original Comments November 2023*

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- An second year of wintering bird surveys to confirm with sufficient certainty whether the sites are considered as functionally linked land (FLL)

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information Required : Functionally Linked Land

As identified by the applicant birds for which Thanet Coast and Sandwich Bay Special Protection Area (SPA) is designated, utilise land within, and also around, these sites. Where

birds regularly forage on land outside the designated site, this land may be considered functionally linked to the SPA/Ramsar by providing supporting habitat. Its loss should, therefore, be considered in any assessment of impacts under the Habitats Regulations.

Due to its location and general habitat composition it is likely that the site of the proposed application could be regularly used by these species, as such it could be considered functionally linked land (FLL) for the wintering birds, chiefly golden plover (*Pluvialis apricaria*), which are interest features of Thanet Coast and Sandwich Bay SPA.

We note that the applicant has produced survey results for one wintering season which do not show significant use of the site via interest feature bird species. However we advise that to be sufficiently certain to rule out potential adverse effects on integrity that would result from the loss of FLL at least 2 seasons of robust survey data will need to be provided.

To this end we advise that an additional season of wintering bird surveys will need to be carried out to determine with certainty whether the existing application site serves as FLL. We advise that surveys should: include at least two surveys per month, cover different times of day and tidal states and where arable be carried out with cropping regimes representative of typical land use for these parcels.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

#### Other Advice

In addition, Natural England would advise on the following issues.

#### Soils and Agricultural Land Quality

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.

From the description of the development this application is likely to affect 41.55 ha of BMV agricultural land. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas of BMV agricultural land.

However, if during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area, your authority should

consider whether this is an effective use of land, in line with paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF).

Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's 'Guide to assessing Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

We note that soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade).

General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

Finally would also advise your authority that conditions should be applied to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

**Environment Agency:**

*Final Comments April 2024*

We have no further comments to make on this application and would reiterate our previous comments dated 28 September 2023.

*Comments received September 2023*

We have assessed this application as having a low environmental risk. We therefore have no comments to make.

Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licences for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult our website (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>) to establish whether a consent will be required.

**Southern Water:**

*Final comments May 2024*

The comments in our response dated 19th October 2023 remain unchanged and valid for the amended details.

*Comments (December 2023)*

Our technical team have reviewed the additional information submitted on 15th November and have advised of the below comments:

The proposed swale crossing over the public sewer is not acceptable to Southern Water. No swales or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.

*Original Comments (October 2023)*

Please see the attached extract from Southern Water records showing the approximate position of our existing foul sewer within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 225 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

This initial assessment does not prejudice any future assessment or commit to any adoption

agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

### **Kent Police:**

*Comments November 2023*

Kent Police confirmed they were happy with the security measures.

*Original Comments (October 2023)*

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend the applicant follows SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme;

1. We strongly recommend that the applicant takes this opportunity to review their general security arrangements regarding the existing buildings, including perimeter security, alarm systems, lighting and CCTV.
2. Perimeter security of the site, including gates, should be reviewed to control site permeability and prevent theft of property. A good standard of building security is very important in rural areas, especially for outbuildings that may not be visited for weeks at a time. Each site should be fully enclosed within a minimum 2m security fencing system or higher (we note the Indicative Fencing proposal). It is, however, important that the gap between the base of any fencing and the ground is minimal, so that any equipment, such as the PV panels themselves or copper cable, cannot be easily passed underneath by thieves. Additional defensive planting of natural hedging should be considered around the boundary and along the existing footpath as an added layer of security.
3. Consideration should be given regarding property boundary for any potential places where it could be made more secure:



- Densely planted buffers can be used to enhance boundaries. There are plenty of suitable native (non-toxic) prickly species.
- digging deep ditches to control and deter unwanted vehicle access
- if possible, having a single-gated access point to each site. Please refer to the Commercial 2015 Guide, Section 2: Physical Security Specifications for gates on SBD Design Guides

4. We recommend that all photovoltaic (PV) panels are individually security marked and all serial numbers recorded within a site inventory. In addition, the PV panels should be installed using one way security clutch head security bolts/screws or similar, as an added layer of security and in order to make removal more difficult for thieves. Copper cable, transformers, inverters, switch gear and any other equipment of high value should also be security marked. This can be achieved by using unique identifiers, such as serial numbers on the insulation sheathing and with the use of forensic marking solutions. A full equipment inventory should be kept.

5. All string inverters, substations, transformer stations and buildings/ storage containers should be fully alarmed with a monitored system and covered by CCTV. All CCTV should comply with the Information Commissioner's Office guidance. Appropriate security locks and devices should be installed on all equipment cabinets and associated buildings. Locking device screws/bolts should not be easily accessible when closed, to deter by-passing of the locks themselves by a determined offender. One way security clutch head security bolts/screws or similar can also be utilised to prevent easy removal.

6. We note CCTV cameras are proposed for this development "Cabling would also be required for power and data transfer associated with the CCTV system described below. This would generally follow the perimeter fence lines where the CCTV cameras would be located", which is greatly encouraged. We recommend monitored CCTV and alarms systems to be installed and operational to cover vulnerable elevations and site entrances in addition to point 5. Appropriate crime prevention/security signage warning of the use of CCTV and forensic marking solutions should be installed on the exterior face of the security fencing and any gates.

7. Doorsets and windows should meet PAS 24:2016 as a minimum-security standard. All external doors should have a minimum of two locking points with locks that meet the British Standard. All doors and windows that are not part of a designated fire escape route, should be closed and locked. Glazing for windows should be laminated rather than just toughened for security purposes. Please refer to the Commercial 2015 Guide, Section 2: Physical Security Specifications on SBD Design Guides ([securedbydesign.com](http://securedbydesign.com)) for doorsets and windows.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime.

If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

### **British Horse Society:**

*Original Comments (October 2023)*

I am responding to this consultation on behalf of the British Horse Society, the UK's largest equestrian charity with over 120,000 members and representing the country's 3 million horse riders.

We object to this application in its current form. Broadly speaking, we are in agreement with KCC PROW's comments on the application. Much of what is referenced below has also been referenced in the BHS response to the KCC's plans for the North Thanet Link Highway and to Sustrans in their preparation of an LCWIP for Thanet DC.

Kent is a county with a dense population of horse owners with over 40,000 horses passported to addresses within Kent with 1,100[i] of these with owners living within the Thanet District Council area. The area around Birchington is especially densely populated with horses. The cost of keeping these Thanet owned horses results in a contribution to the economy of over £6 million[ii] per annum, much of which will be spent within the District (feed merchants, hay suppliers, livery yards, etc.)

Just 16.7% of public rights of way in Kent are available to equestrians and much of that is disconnected by roads which were once quiet, rural roads and are now busy thoroughfares as a result of massive development in the region. Consequently, it is imperative, especially with significant developments of this nature, that existing equestrian access is fiercely protected and new bridleways/byways and good connections to other potential future equestrian routes are provided as a part of the project. It should be recalled that higher status public rights of way provide the opportunity for safe exercise for more members of the local community, in particular women (who form the majority of equestrians) and those who are less able bodied meaning provision of this nature provides improved safety, health and wellbeing benefits for the widest range of users. Bridleways are therefore an even more inclusive form of public highway than walking and cycling routes.

NPPF, para 100 states

“planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails”(my emphasis).

The impact of this application is at odds with this policy.

Kent County Council's ROWIP states,

“The ROWIP will aim to encourage active lifestyles through:

- working in partnership with planning authorities and developers to create well-designed, accessible environments that encourage active travel and walking, cycling and horse riding as leisure and recreational pursuits.”

#### AL01 Increase health & wellbeing benefits

“1.3 Improve connectivity and consider equestrian and other parking where reasonable to encourage recreational and leisure activity; including access to country parks, honey pot sites and other facilities of high leisure use, such as National Trails, promoted routes and routes within and leading to AONBs.”

“1.5 Work with partners to support implementation of health improvement initiatives, such as Walking for Health, cycling and equestrian initiatives and GP referrals.”

#### AL02 Active Travel

“1.9 Provide motorised traffic free, safe walking, cycling and equestrian and routes linking to towns, urban and rural areas. Seek to provide longer distance links between urban centres.”

#### KT06 Grow New Markets

“3.17 Improving priority routes which facilitate horse riding, cycling and walking for more targeted tourist leisure and recreational use”

This application is doing little to contribute towards the county’s Plan.

Public bridleways TM15, TM19 and TM20 are directly impacted by this application, all of which are of key importance to the equestrians in the area. Significant equestrian use of footpaths TM13 and TM14 has been ongoing for many years without interruption as these paths have provided safer onward connectivity over Shottendane Road.

Any development of this area needs to ensure that PROW are kept open and safe to use for all users with any closures being minimal and with reinstatement being to at least the same, if not better, standard of finish than the existing. If a surface is felt to be necessary on any equestrian routes then this should be something to the benefit of all users, such as Flexipave. Any enclosure fencing needs to be safe and suitable for equestrians and width needs to be a minimum of 5 metres which should be consolidated within the Definitive Statement. It is hard to envisage a need for gates on what would seem likely to be enclosed routes but, if required they should be in compliance with BS5709/2018 bridleway limitations.

By way of mitigation for the adverse impact of this project on local users, footpath TM21 should be upgraded to bridleway status with a safe crossing provided for all bridleway users to reach TM22.

Whilst we applaud efforts to provide renewable energy, we feel that this project is currently missing the opportunity to optimise the recreational use of the existing and future public rights of way for as many local people as possible.

Guidance on surfacing, gates, etc. may be found on [www.bhs.org.uk/accessadvice](http://www.bhs.org.uk/accessadvice). We would, of course, be very willing to work with the company.

## **Kent County Council Highways:**

### *Final Comments May 2024*

I have reviewed the resubmitted Transport Addendum (16th April)

From my comments below, they have still not addressed the following:

To access the parcel of land to the west will require any visiting maintenance vehicle to use an existing farm track that borders the site. This is also a bridleway, and as such any site plan should demonstrate an area that maintenance vehicles can access and park on, along with any gates/security measures, to ensure the bridleway is kept clear. Comments from the PROW team should also be sought with regards to this aspect.

The site plan submitted 9th April (Rev A) just appears to show an orange arrow indicating I presume where access to this parcel of land would be.

I want to ensure that a suitable parking area has been provided and it is gated. This is to ensure the PROW will be kept clear, given that this is a bridleway.

I am content that should the LPA be minded to approve this application, then a condition will be required for the submission of a Construction Management Plan, and that the information submitted thus far is a guideline of the aspects they will cover.

### *Original Comments November 2023*

The proposals are for the erection of a solar farm, spread over two areas on land between Shottendane Road and Manston Road. A new access will be created from Manston Road to serve the site during the construction phase and for maintenance visits once the site becomes operational.

Traffic movements generated by the proposed solar farm would have a negligible impact on the background highway network, with maintenance visits only required once a month. As such in terms of highway capacity and safety this proposal would not warrant a recommendation of refusal on these grounds.

However the construction phase will have a significant bearing on the local highway network, and whilst only for a period of approximately 5 months, this will need to be assessed and managed carefully.

The applicant has submitted a Transport Statement (TS) to accompany this application, and includes details on the construction phase.

An Outline Construction Environmental Management Plan (CEMP) has also been submitted - can the applicant confirm if they will be seeking to have the CEMP approved at this stage, or if this aspect will be subject to further applications should the LPA be minded to approve this application.

Having reviewed these and other submitted documents I have the following comments to make:

#### Proposed Development

As mentioned above, once the site has been constructed, site visits would only be required once a month.

Crashmap has been used to assess accident data in the vicinity, however we only accept data from the Crash Data team here at KCC. They can be contacted on [crashdata@kent.gov.uk](mailto:crashdata@kent.gov.uk)

The site plan that has been submitted would appear to demonstrate mainly details related to the Construction phase - no site plan appears to have been submitted demonstrating the layout once construction is complete. I am unsure if the parking area demonstrated will remain once construction has been completed, and point 4.2.2 of the TS states the internal access tracks would only be in place for the construction phase only. Where will vehicles park for maintenance visits? Will vehicle access be required to the parcel of land adjacent to Woodchurch Road?

As such a site plan is required for the site during its operational phase, showing any compound/vehicle parking area, access track and fencing/gates to serve the development. Any gates

should be setback a minimum of 5.5m from the edge of the carriageway, and open inwards to ensure a vehicle can pull fully off the highway whilst any gates are opened.

A new access is to be created to serve the development, and the proposed layout takes into account tracking for a 16.5m long articulated lorry (for deliveries during the construction phase). However it would be appropriate for a smaller access to remain to serve the site once construction has been completed. The requested site plan should include this.

A drawing has been submitted demonstrating visibility splays based on the 60mph speed limit at this location, and these are acceptable to KCC Highways and Transportation. However there are no scale bars on the drawings demonstrating the visibility splays and the site access. This is required to verify the dimensions stated, as such I am unable to fully assess these at present.

#### Construction Phase - CEMP

As I am unsure at present if the CEMP is to be considered at this stage, the following comments highlight points that will need to be addressed as part of any CEMP.

Table 4.1 of the TS shows a summary of the proposed construction traffic HGV movements over the 5 month predicted construction phase.

A total of 1,797 two way movements are predicted for the duration of the construction phase. If it is assumed that there will be 22 working days each month, this equates to 16 two way HGV movements each day, which is approximately 2 vehicles every hour. In addition there

would be potentially a maximum of 58 two way movements for cars/LGV's daily, which is one vehicle per minute in the peak hour, though I would not expect all movements to be within the peak hour, given that construction workers often start earlier in the day.

It is proposed that all construction traffic will approach and leave the site from the A299 and use the B2190 Spitfire Way and Manston Road. Point 6.1.4 of the TS states a Construction Traffic Management Plan (CTMP) will be required, and this should detail the approved routes, delivery times and other pertinent information that can be forwarded to suppliers.

I would add that we would not want to see any vehicles using Manston Road to the north of the site, as this would take vehicles through built up residential area's, including the Coffin House Corner junction, which already experiences traffic delays during certain times of the day. This should also be detailed within the CTMP.

A qualified banksman will be required to manage the site entrance, this detail should be included within the CEMP.

A site plan will be required showing the site layout during the construction phase only and should include:

Location of welfare offices

Site parking for staff

Delivery and storage area, including turning area

Internal access roads

Fencing during construction phase/gated access (any gates set back a minimum of 10m from the edge of the carriageway)

Location of wheel washing point and method to be used. A road sweeper may also be required.

Access - an access will be created from Manston Road. The plan demonstrating the tracking for a 16.5m long articulated lorry only shows a vehicle entering and exiting the site, and does not include its route to the delivery/storage area. The tracking plan is required to demonstrate that this vehicle has the appropriate provision of space to ensure it can turn around within the site.

There only appears to be parking for 3 vehicles, and I note that it is anticipated that 50% of the work force will car share or be collected via minibus. This still leaves a requirement for at least 25 parking spaces (point 4.6.1 of the TS states 50 construction workers). This needs to be clearly demonstrated on the site plan.

Para. 4.6.3 of the TS states that for traffic generation forecasts, 50% of the staff on site are assumed to be arriving by car share lift or minibus transport. If this is to be accepted, then provision of a minibus for localised collection and collection/drop off from a designated area for the period of construction will need to be a requirement secured by condition. Further details will be required on this proposal.

## PROW

There are a number of Public Rights of Way that will be affected by this development, especially during the construction phase. I note the PROW team here at KCC have commented and I would support their comments.

I look forward to further information being submitted to assist me in determining this application from a highway perspective.

**Kent County Council Biodiversity:**

*Final Comments Dated April 2024*

**SUMMARY - SUFFICIENT INFORMATION PROVIDED**

We have reviewed the submitted Skylark Mitigation and Management Plan and accept the proposed mitigation as sufficient for this application. The proposed mitigation area is 2ha in size; based on published estimates for breeding density this is unlikely to support many more than 2 breeding pairs. However, the proposed management for the site will include alternating years of spring crops and set-aside and aims to provide 2ha of high-quality feeding habitat for the duration of the development. This has potential to increase the productivity of breeding pairs using surrounding arable fields, and possibly to increase breeding territory density, as compensation for the loss of breeding habitat to the Development.

The suggested approach is an alternative to that of creating 16m<sup>2</sup> skylark plots for foraging skylark nesting within arable fields. While the proposed mitigation area may require birds to travel further from nesting areas relative to in-field plots, the amount of foraging habitat to be provided is far greater than would be provided by 35 plots. Securing the appropriate management of 35 skylark plots with several landowners of adjacent fields for a 40 year period could also prove difficult relative to securing the appropriate management of the single area proposed.

The effectiveness of this approach is unknown and will be monitored for a period of five years as detailed within the mitigation plan. The proposed management for the area aims to create optimal conditions, such that multiple successful broods could potentially be raised by skylark within the mitigation area and surrounding arable fields. Therefore, we advise that the breeding bird surveys are spread adequately through the season to monitor for repeat nesting. We also advise that monitoring does not start until the mitigation area is sufficiently established to provide suitable foraging/nesting habitat. In this regard, we advise that proposed habitat creation/management within the 2ha mitigation area is started immediately following the approval of any planning permission, to ensure that habitat is available as soon as possible relative to onsite losses. We advise that the Plan is amended to include these points and resubmitted prior to determination. Implementation of the mitigation plan and submission of annual monitoring reports to the LPA, to include details of any remedial management, can then be secured by condition should planning permission be approved. Suggested condition wording can be provided pending further consultation.

*Comments Dated December 2023*

**SUMMARY - FURTHER INFORMATION REQUIRED**

We have reviewed the ecological information submitted by the applicant and advise that further ecological information is required prior to determination, as follows:

- Details of additional mitigation for Section 41/Priority species and Red listed skylark; This information should be submitted prior to determination of the planning application. This is in line with paragraph 84 of the ODPM Circular 06/2005 which states that "...The potential effects of a development, on habitats or species listed as priorities... ..are capable of being a material consideration in the ... making of planning decisions".

#### DETAILED COMMENTS -

##### SECTION 41 / PRIORITY AND RED-LIST SPECIES: SKYLARK

Insufficient mitigation has been proposed for the loss of habitat for Section 41 / Priority bird species skylark. The breeding bird report states that a peak count of 35 skylark territories were identified within the final red-line boundary during the breeding bird surveys. The site is 41.55 ha in size, indicating an approximate density of 0.8 pairs / ha. The applicant has referred to another site (Application ref. 23/502210/FULL) for which KCC EAS recently accepted a long-term monitoring program as mitigation for the loss of habitat for up to 13 pairs of skylark within a 61 hectare site, equivalent to an approximate density of 0.2 pairs / ha. The Hengrove Farm site supports a breeding population density of approximately four times that of the previous application and therefore we advise that the two sites are not comparable regarding mitigation.

In support of this, paragraph 13.1.11 of the Environmental Statement Chapter 13, Residual and Cumulative Effects (Wardell-Armstrong, 2023), includes the following assessment:

"The operational phase of the development will see the loss of arable fields, which currently support breeding skylark. The fields will be replaced by neutral grassland fields that will support the solar arrays. There is currently no evidence of skylark breeding within solar farms, therefore it is expected that there will be a degree of displacement into the surrounding habitats. This will result in a Moderate adverse residual impact. The inclusion of new hedgerows and species rich grassland/margins to be managed for corn bunting in particular will result in a Minor beneficial impact."

In referring to existing research on the effects of solar farms on biodiversity by Montag et al. 2016, the applicant's response to our previous comment lacks context. The following extract from Montag et al. (2016) provides a clearer synopsis (underlining ours):

"There was no overall difference in the numbers of skylark territories when comparing solar plots to control plots, although one site showed a significantly higher number within the control plot. Nesting skylarks were confirmed within several of the control plots but at only one solar plot. The nest within the solar plot was located within the security fencing surrounding the array, but outside of the actual footprint of the array. The study shows that although skylarks may not nest beneath solar arrays, they do nest within solar farms and they do incorporate solar farms into their territorial boundaries for foraging.

The nest was situated outside of the footprint of the array but within the security fencing surrounding the site in an area of grassland measuring approximately 40x90m. This has implications for assessing impacts on skylarks and mitigation for this species within other



solar farm sites, as quite often within the layout of solar farms large areas remain outside of the footprint of the array due to various factors (underground services, public rights of way, visual impacts etc.). If these areas can be managed specifically for ground nesting birds, they may contribute towards mitigation for these species. It should be noted, however, that [the site] was situated in an area with very few hedgerows and trees and so where these features are present, a larger open area may be required to encourage ground nesting.

Although the study shows that skylarks do not nest within the footprint of the array, it does show that this species will forage within solar farms. Indeed, within two of the Sites (2 and 4), significantly higher numbers of foraging skylarks were observed within the solar plots when compared to the control plots.

An interesting focus for future research would be to assess the productivity of skylarks utilising solar and control plots [i.e. offsite fields]. A proposed hypothesis may be that skylarks nesting adjacent to solar farms would be more productive than those on control plots due to the increase in foraging resources.

The proposed buffer habitats/small off-site areas of mitigation/compensation habitat will be enclosed by the solar array and hedgerows/trees and are therefore unlikely to provide a significant amount of suitable nesting habitat for skylark. It is proposed that the increased food provision within the site may enable skylark to breed in higher densities within surrounding fields, and the potential for this is supported by the above referenced information. However, the long-term availability of suitable nesting areas within adjacent fields cannot be relied upon unless confirmed via an agreement with the current landowner. In this regard, based on existing published evidence and from their own monitoring of thirty solar farms, Solar Energy have concluded the following:

It is thought that appropriately managed solar farms which emphasise grassland diversity could act as optimal foraging habitat, and in turn improve outcomes for off-site nests in territories adjacent to solar farms..... At present, the most effective mitigation option is most likely the enhancement of undeveloped grassland and arable land to increase the carrying capacity and receive a proportion of displaced territories. A reversion to set-aside or fallow land is likely to be best, but other measures which don't require removal of land from productive cultivation also exist. These include the reversion from winter sown cereals to spring sown cereals (to delay the point at which vegetation becomes too tall for nesting), or a switch to organic practices, both of which substantially improve numbers of nesting attempts and breeding success, although a greater hectareage may be necessary. Wider uncultivated arable margins also lead to a similar improvement in foraging potential. Often misunderstood, 'Skylark plots' (undrilled patches within cropland measuring 5x5m at a rate of 2 per hectare) break up arable monocultures and increase invertebrate prey abundance but they do not provide nesting habitat in themselves. Therefore, they are a worthwhile enhancement to suitably large and open mitigation fields but are unlikely to serve any nesting purpose within the developed area of a solar farm.

As per our previous response, skylark are listed as species of principal importance (aka. priority species) for conservation under Section 41 of the NERC Act 2006, and local planning authorities are required to have regard for the conservation of Section 41 species as part of planning decisions under their biodiversity duty. In this regard, Natural England guidance

'Wild birds: advice for making planning decisions', published 14 January 2022, states "you must have regard for the conservation of Section 41 species as part of your planning decision". In being listed as both a Species of Principal Importance under Section 41 of the NERC Act 2006 and a Red list species under Birds of Conservation Concern Volume 5, the conservation of skylark should therefore be considered and adequate mitigation provided.

Natural England's Standing Advice for wild birds states that where displacement will occur as a result of development:

"There should be a suitable amount of replacement habitat to compensate for the displacement. For example, there is:

- no net loss of habitat
- like-for-like replacement near to the original nest to provide a long-term home
- alternative habitat that is better in quality or area than the lost habitat
- maintained habitat connection to allow normal bird movement
- the proposal should make sure compensation sites are established for wild birds to use before work starts".

Thanet Local Plan Policy SP30 - Biodiversity and Geodiversity Assets, states (underlining ours):

Development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets through the following measures..... 6) mitigating against the loss of farmland bird habitats.

Sites should be assessed for the potential presence of biodiversity assets and protected species....Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

We advise that additional mitigation is therefore required for breeding skylark. Unless the extent of the solar array is considerably reduced, this will require an agreement with the owner of adjacent fields. Where undertaken, details of this agreement and of management to be implemented for skylark for the lifetime of the development should be provided prior to determination. Monitoring of the breeding bird population within the site and adjacent fields would then be secured by condition (within the LEMP) to assess potential benefits of additional foraging habitat within the solar array on local populations of farmland birds.

#### S41 / PRIORITY SPECIES CORN BUNTING

Planting of a specific seed mix is proposed to provide compensation foraging habitat for corn bunting. This proposal is supported by existing evidence and is satisfactory mitigation for this species pending appropriate long-term management, particularly seasonal timings, to be secured by a condition for an LEMP.

#### BIODIVERSITY NET GAIN

As a result of the wide range of planting proposed on- and off-site, it has been calculated that the solar farm would result in a 255.01% net gain in area habitats and a 422.03% net gain in linear habitats. The metric calculation has been submitted and the trading rules have been satisfied. Successful achievement of the proposed level of BNG will depend on

appropriate long-term management and monitoring. Further details should be provided within a Landscape and Ecological Management Plan, to be secured by condition.

*Original Comments (October 2023)*

We have reviewed the ecological information submitted by the applicant and advise that further ecological information is required prior to determination, as follows:

- Details of additional mitigation and habitat management for Section 41/Priority species and Red-list skylark and wintering birds;
- Clarification regarding neutral grassland priority habitat.

This information should be submitted prior to determination of the planning application. This is in line with paragraph 84 of the ODPM Circular 06/2005 which states that "...The potential effects of a development, on habitats or species listed as priorities... ...are capable of being a material consideration in the ... making of planning decisions".

**DETAILED COMMENTS**

The majority of the ecological information for the site has been clearly and succinctly presented which is much appreciated, and we agree with the majority of the findings. However, additional information is required regarding S41/priority species of breeding/wintering birds and priority grassland habitat, as detailed below.

**SECTION 41 / PRIORITY AND RED-LIST BIRD SPECIES**

Insufficient mitigation has been proposed for the loss of habitat for Section 41 / Priority bird species skylark and wintering birds.

The Biodiversity Off-Setting report states: "Areas of land with archaeological interest have been excluded from the Red Line Boundary and are now 'off Site'. These areas are to be used for corn bunting and skylark mitigation...."

The Existing Site Plan and Landscape Strategy indicate several small areas which are depicted as outside the red-line boundary. We estimate that these areas together equate to < 1ha in size. The areas include 20m arable crop strips and species-rich grassland to be sown with wild bird seed mixes. Considerable areas of grassland and hedgerow are also proposed in association with the array, all of which will potentially provide increased bird foraging areas if suitably managed. However, while some of the proposed "off-site" areas could potentially provide set-aside type habitat, which is known to support nesting skylark when sufficiently wide, we do not consider that these areas provide sufficient mitigation to offset the loss of current breeding habitat, which supports at least 35 skylark breeding territories. In addition, the proposed areas do not provide sufficient mitigation for loss of open field feeding/loafing habitat for priority / red listed species of wintering birds.

**SKYLARK**

The Non-Technical Note (Wardell Armstrong, August 2023), states:

“Skylarks are anticipated to be exposed to displacement during the operational lifespan of the scheme, however the land would be available for recolonisation after decommissioning. The ecology assessment concludes that, in the long term, any negative impacts are not likely to affect the favourable conservation status of any habitats or species.”

A peak count of 35 skylark territories were identified within the red-line boundary (and 50m buffer) during the breeding bird surveys. The significance of the site to the local population is further evidenced by a peak count of 136 skylark during winter surveys. It is our opinion that 40 years of reduced breeding area for a Section 41/Priority and Red List species is likely to negatively influence the size of the local skylark population in the long term. There is also the possibility that the lifetime of the array could be extended.

The ES Biodiversity chapter describes how the proposals will result in coverage of most of the site with the solar array, with species-rich grassland sown beneath, and boundary areas of woodland, species-rich grassland, 20m bands of arable crops, a pond and extensive hedgerow planting. Relative to the existing open arable fields, the proposed habitats will be enclosed by the solar array and hedgerows/trees and are therefore unlikely to provide a significant amount of suitable nesting habitat for skylark. It is proposed that the increased food provision within the site may enable skylark to breed in higher densities within surrounding fields, indicating that limited mitigation for loss of breeding habitat is being proposed.

Skylark are listed as species of principal importance (aka. priority species) for conservation under Section 41 of the NERC Act 2006; local planning authorities are required to have regard for the conservation of Section 41 species as part of planning decisions under their biodiversity duty. In this regard, Natural England guidance ‘Wild birds: advice for making planning decisions’, published 14 January 2022, states “you must have regard for the conservation of Section 41 species as part of your planning decision”. In being listed as both a Species of Principal Importance under Section 41 of the NERC Act 2006 and a Red list species under Birds of Conservation Concern Volume 5, the conservation of skylark should therefore be considered and adequate mitigation provided.

Natural England’s Standing Advice for wild birds states that where displacement will occur as a result of development:

“There should be a suitable amount of replacement habitat to compensate for the displacement. For example, there is:

- no net loss of habitat
- like-for-like replacement near to the original nest to provide a long-term home
- alternative habitat that is better in quality or area than the lost habitat
- maintained habitat connection to allow normal bird movement
- the proposal should make sure compensation sites are established for wild birds to use before work starts”.

#### WINTERING BIRDS

It is noted that the Wintering Bird Survey report (Wardell-Armstrong, August 2023) includes a recommendation for a Habitat Management Plan to be implemented within land in the wider ownership, to mitigate the loss of open-field wintering bird habitat. This may be referring to

the small areas referred to above, however we advise that this recommendation should be followed by securing appropriate management of much larger off-site areas within the vicinity of the site.

#### HABITAT MITIGATION AND MANAGEMENT PLAN FOR S41/PRIORITY BIRDS

We advise that details of additional mitigation for skylark and S41/priority species of wintering birds are required, to be provided in a single document. We advise that a Habitat Mitigation and Management Plan is provided, to include:

- Proposals for the creation and long-term management of off-site skylark plots in the vicinity of the site to offset loss of breeding territories<sup>2</sup>;
- Proposals for appropriate long-term management of off-site open field areas to ensure long term provision of foraging/resting areas for wintering birds;
- A monitoring program for breeding and wintering birds within both onsite and offsite mitigation areas;
- Map showing the location and extent of all mitigation areas.

#### Breeding Bird Survey Methodology

The breeding bird survey method differs from that recommended within the Bird Survey Guidelines (Bird Survey & Assessment Steering Group. (2023). Bird Survey Guidelines for assessing ecological impacts, v.1.1.0.) as follows:

- Five surveys were undertaken rather than six;
- Surveys were undertaken from late April to mid-June, rather than late March to early July (likely due to low March temperatures);
- The fourth survey started almost 3 hours after sunrise (likely due to heavy rain).

Species were consistently recorded among all four daytime surveys, indicating that the surveys provide a reliable representation of the species present. For those species recorded during the first three surveys, numbers recorded during the fourth survey are also comparable. We therefore consider that the surveys provide a reliable assessment.

#### PRIORITY HABITAT NEUTRAL GRASSLAND

Paragraph 7.3.6. of the ES Biodiversity chapter refers to onsite grassland areas as “neutral grassland, a NERC s.41 and LBAP habitat and therefore of County value”. These areas are later described as species-poor and heavily influenced by the surrounding agricultural practices. NERC Section 41 neutral grassland refers to lowland and upland meadows. Lowland meadow is present in limited areas in Kent but given the current land use and habitat description this is considered unlikely to be present within the site. Species referred to within the PEA also do not align with published habitat descriptions. As the BNG report does not refer to priority habitat loss, instead describing these areas as modified grassland, it is likely that reference to priority habitat neutral grassland being present within the site is an error. However, as any loss would be a material consideration, we request that this is confirmed in writing prior to determination.

#### HABITAT REGULATIONS ASSESSMENT (HRA) AND FUNCTIONAL LINKAGE

The wintering bird surveys found no evidence that bird species listed under the SPA and Ramsar designations utilise the site. As such we agree with the conclusions of the HRA

screening report that the Site does not constitute functionally linked land to Thanet Coast & Sandwich Bay SPA/Ramsar/SAC/SSSI.

#### BIODIVERSITY NET GAIN

We welcome the proposed native species landscaping and submission of a biodiversity net gain calculation. Under section 40 of the NERC Act (2006) and paragraph 174 of the NPPF (2021) biodiversity should be maintained and enhanced through the planning system. Additionally, providing net gain calculations aligns with paragraph 180 of the NPPF (2021).

As a result of the wide range of planting proposed on- and off-site, it has been calculated that the solar farm would result in a 255.01% net gain in area habitats and a 422.03% net gain in linear habitats. These are significantly above the minimum 10% required once Biodiversity Net Gain becomes mandatory.

The metric calculation has not been submitted/reviewed at this time and we cannot therefore verify the calculation. Successful achievement of the proposed level of BNG will depend on appropriate long-term management and monitoring. Further details should be provided within a Landscape and Ecological Management Plan, which should be accompanied by a copy of the Biodiversity Metric spreadsheet. This can be secured by condition as detailed below.

#### FUTURE CONSIDERATIONS

Pending the above information being approved and in addition to any associated conditions, we will provide suggested condition wording for the following:

- Biodiversity Method Statement (within final CEMP) – to include further details regarding precautionary working methods for breeding birds (including ground-nesting species), wintering birds, reptiles, badger and bats (lighting only);
- Landscape and Ecological Management Plan (LEMP) with Biodiversity Metric spreadsheet.

The ecological reports include several references to the future removal of habitat during decommissioning. We highlight that an ecological assessment will be required prior to any works which may impact on protected species. A Biodiversity Net Gain assessment may also be required, subject to Government guidance regarding BNG and reversion of the land to agricultural use.

#### **Kent County Council Archaeology:**

Thank you for consulting on the application for development of a solar farm with associated infrastructure on land at Hengrove Farm. This is a scheme that I provided Scoping advice for and which has subsequently been developed by the applicant and their archaeological consultant through discussions with myself. The preapplication assessment has included the undertaking of pre-application geophysical survey and examination of existing records including the evidence of extensive cropmarks on aerial photographs and the topography of the site. The preapplication assessment and consultation with myself have aimed to identify the archaeological potential of the site and in particular identify remains that would influence the parameters and layout of the development area.

The submission includes:

- An Environmental Statement with Chapter 8 focused on Archaeology and Heritage and supporting appendices with respect to the methodology for the study.
- A Planning, Design and Access Statement that in Section 6.5 (Historic Environment) provides a description of the approach taken in considering the impact of the development on archaeology and mitigation measures that have been embedded in the design process
- The above have been informed by a desk based assessment and the report of a geophysical survey of the site and its surroundings which have been provided in Appendix 8.1 Archaeology and Heritage Statement.

### Archaeological Potential

The landscape in which the proposed solar farm will be situated is rich in archaeological remains extending from prehistoric times through to the 20th century remains associated with the Second World War. The Historic Environment Record includes numerous records within the landscape including within the development site. Extensive cropmark complexes are visible on aerial photographs and extend into the fields in which the development will be sited. The Archaeology and heritage Statement provides a good account of the archaeology and historic development of the area. Through the desk study, examination of cropmarks and geophysical survey and taking account of topography the following in particular were identified in the two fields lying West and East of Hengrove Farm:

#### West Area.

The western field topographically lies astride a south east to north west trending valley the lower reaches of which are colluviated as can be seen on aerial photographs and the geophysical survey results. On the lower slopes of the valley either side of the colluvial areas traces of enclosures and tracks of unknown date can be seen from the geophysical survey results. These are likely to represent later prehistoric, Roman or medieval landscape features, possibly associated with farming and land management.

One enclosure sited on the southern slopes appears particularly complex and may be more significance. Higher up the valley slope to the north is a particularly complex and significant area of archaeology. This area includes the southern end of a very substantial enclosure system that extends northwards to Shottendane road and is likely of medieval date. Within the field can be seen sub enclosures and pit features which suggest an area of intensive activity and a number of ring ditches, probably the remains of Bronze Age funerary monuments although could relate to later prehistoric round houses.

#### East Area

The eastern field topographically falls from a high plateau in the south west overlooking a valley to the north. Manston Road and the northern extent of the application site follow the lower slope of the ridge.

A number of ring ditches, remnants of a Bronze Age barrow cemetery have been identified within the site. Three lie within the northern part of the field, one to the west and another that is partially under Manston Road in the south. An enclosure complex has been picked up running through the site on a south west to north east line. The enclosures are particularly complex on the higher ground to the southern area and appear to be more related to fields as the land drops northwards. A further enclosure has been terraced through geophysics

adjacent to Manston Road and a second to the west of the high ground though these are less well defined.

Of particular significance is a substantial WW2 site that lies within the western area of the field and extends south westward into adjacent fields. Trench arrangements have been plotted from aerial photography and by geophysics. There is suggestion of a redoubt or strongpoint on the eastern corner of the complex and a further may lie on the northern corner. As described in the desk study, the site appears to be a defended location sited on high ground overlooking key approaches to Margate which was a defensive nodal point. The complex may have been used for training as can be seen from 1940s aerial photographs. Additional features can be seen on the aerial photographs in the lower areas of the field but were not detected by the geophysics. The complex survives as a relatively complete heritage asset in the landscape.

#### Embedded Archaeological Mitigation

As described in the Planning, Design and Access Statement (paragraph 6.5.13) the proposed layout has been amended as a result of assessment, survey and discussions with myself to avoid development on the most significant archaeology that can be identified at this time. The combined layout of archaeology from geophysics, aerial photography and topography can be seen against the application site limits in Figure 308 of the Archaeology and Heritage Statement.

#### West Area

The north western boundary of the west land parcel has been moved southward and down slope so that the enclosures, ring ditches and pit complexes will not be affected by the construction of the solar farm. I note that there is still an area of off-site mitigation proposed in this area that may affect archaeology depending on the details but it does avoid the main concentration of archaeology bar a potential ring ditch and the large enclosure. The enclosures on the lower slopes of the valley mostly remain within proposed development areas though the most significant area of enclosures has been removed from the development area

#### East Area

The plotted area of the Second World War defensive site has been removed from the development area preserving it as a coherent monument in the landscape. Features associated with this enclosure may lie scattered in the remainder of the field but have not been distinguished by the geophysical survey. Areas of development exclusion have been placed around four of the five ring ditches in this area. The fifth may be affected by the connecting trackway though it is not well defined. The more complex area of the enclosure system that runs through the field has been removed from the proposed development area. The more dispersed enclosures and the poorly defined enclosures to the west and adjacent to Manston Road remain.

Overall I welcome the adjustments that have been made which will ensure that the most significant archaeology that has so far been identified within the site will be excluded from development and therefore safeguarded. It will be important to ensure that the areas that have been excluded are excluded during the development works and any landscaping is sympathetic to preservation.



## Development Impacts

The submission includes details of the main features of the development:

- Solar array panels are mostly built on widely spaced driven piles that would cause limited impacts. I understand that where panels are likely to affect significant archaeological remains then no-dig ballasted foundations can be used.
- Cables are mostly set under the panel canopies though there will be a need for trenching for HV and communication cables.
- Road and track formation is likely to be shallow with 300mm depth illustrated in the submission.
- Foundations for the containers will likely be shallow with deeper foundations for sub-stations.
- Perimeter fencing and CCTV stanchions will also need foundations.
- Tree planting for screening. Roots and planting pits may affect archaeology. The screening and planting should take account of archaeological considerations.

Given the above I am satisfied that development impacts on buried archaeological remains through the remainder of the development site can be managed through a process of further targeted evaluation and design measures to reduce or avoid impacts. Where this cannot be achieved then archaeological mitigation through investigation and recording would be appropriate.

The study includes an assessment of the impact of development on the setting of designated heritage assets. The assessment concludes that there would be some impact on longer views from the Quex Scheduled Monument though this would not be significant and screening would be introduced to mitigate this in part.

The study has not set out the impact of development on the setting of non-designated heritage assets such as the barrow cemeteries or the Second World War enclosure. The development will enclose and isolate a number of ring ditches from their open surroundings though their locations will generally remain appreciable as spaces in the development and long term the relationship can be restored on decommissioning. The Second World War enclosure will generally remain as an intact feature in fields to the south of the development which is welcome. While views over the lower ground to the north will be occupied by the solar farm the elevated position and outlook should be maintained. There may be an opportunity for a positive benefit for the Second World War archaeology through an interpretation panel located on the public footpath that runs through the field to the south.

## Recommendation

Given the above I am satisfied that sufficient preapplication survey has been completed to identify features that required adjustment of the parameters and layout of the solar farm. The applicant has made considerable adjustments to accommodate the known features through either adjusting the extent of the solar farm or through creating archaeological preservation areas within the scheme. Further known and unknown archaeological remains will fall within the area of the proposed development. I am satisfied that the impacts on these from development ground excavation can be managed through a programme of archaeological evaluation and mitigation either through detailed design of the development ground impacts or investigation as appropriate. Such measures can be secured through conditions on any

forthcoming consent. In addition protection of archaeological exclusion area should be maintained through the development works and this can be secured through condition. Finally I recommend that consideration is given to a scheme of interpretation for the Second World War defences, ideally through an interpretation panel located in a suitable publicly accessible area.

I therefore have no objection to the proposed development but recommend that should the application be granted provision is made for archaeological evaluation, mitigation, preservation and interpretation through the following conditions:

To assess and mitigate the impacts of development on significant archaeological remains:

A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

D) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;

b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;

c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

To secure agreement of foundations and other ground excavations:

No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

To ensure that areas identified for preservation are protected during development works:

No development shall take place until fencing has been erected around the areas identified for archaeological preservation, in a manner to be agreed with the Local Planning Authority.

No development groundworks, landscaping or planting shall take place in the Archaeological Exclusion Zone without the consent of the Local Planning Authority.

Reason : To ensure that important archaeological remains are preserved in-situ in the development and not adversely affected by construction works.

To secure an appropriate scheme of archaeological interpretation:

Prior to development a scheme of interpretation focused on the Second World War enclosure that includes an information board in a publicly accessible location should be agreed with the Local Planning Authority. The scheme should include the location of the information board, its content and a timetable for its establishment. The interpretation board will be established in accordance with the agreed scheme.

Reason: To ensure that the archaeological interest of the development site is appropriately interpreted and presented in the public realm.

### **Kent County Council Public Rights of Way:**

*Comments March 2024*

I have reviewed the Transport Addendum as below and have the following comments :

Overall, it would appear that my comments emailed to you direct in January 2024 have not been reflected within this document (attached for reference).

Disappointingly, it seems that this Transport Addendum was not sent to us (PROW and Access) which gives weight to our concern that the impact on the PROW network is underestimated

Section 2 re PROW matters – 2.1.3 – Incorrect reference to stretches of TM15 being a Public Footpath. The whole length of this PROW is a Public Bridleway, and therefore this requires amendment.

2.1.4 – Fig 4.1 (later in the document) still shows a compound site adjacent to TM15, my email of January required clarification of this and no response has been received. Extra traffic will impact on PROW use and I would agree with my Highways colleague's comments regarding parking and a site plan required for the significant operational phase.

2.1.5 – TM15, as emphasised in previous correspondence, has pedestrian, equestrian and cycle use, the nature of which is regarded as more sensitive than a Public Footpath (equestrian and cyclist). This must be taken into consideration and reflected within the construction phase management. As little detail is given regarding the frequency and type of construction traffic it is not possible to determine the full impact of this on PROW use.

However, we would presume that the traffic will involve multiple HGV trips. Again, as we have advised throughout correspondence to date, a suitable alternative route for PROW use should be provided (approved by ourselves as the Highway Authority for PROW) to ensure user safety. TM15 should be monitored pre and post construction for any damage to the surface caused by construction traffic, which we would then require to be made good and improved

2.1.6 – see above. The provision of banksmen and holding PROW users is not deemed sufficient in terms of public safety during construction.

*Comments January 2024*

PROW Safety during construction – applicant should note the section for PROW Management Measures would be for approval by ourselves, KCC PROW and Access, not for approval by KCC Highways (regarding PROW we are the Highway Authority). We still have major concerns regarding management of PROW TM15, during construction. TM15 is a bridleway with equestrian use which is of a more sensitive nature; the applicant must therefore consider a temporary alternative route, (approved by ourselves) separate from the construction, (the details of the cable construction along TM15 are still not clarified) which is safe and attractive to use by all, as advised in previous comments. We do not consider that banksmen and signage for a five or six month period to be sufficient.

PROW user experience during construction – we note the comments, however our point above regarding a safe and attractive alternative temporary route should be referenced. The time scale of impact on user experience is significant.

Cable along TM15 – see above point regarding further detail required, the surface of the PROW must be repaired and reinstated if any damage caused during construction and decommissioning. Any disturbance of the surface has to be approved by ourselves as Highway Authority.

Construction Traffic Plan – to be approved by KCC PROW and Access to ensure NMU safety is fully covered.

Site of compound – has this location therefore changed from the previous application? See our previous comments.

Impact on PROW use during operational phase – there would be significant adverse impact on the PROW network until plant maturity which can be ten years or more. The fencing at the field parcel edge will also have adverse impact on PROW for the operational phase of forty years. Therefore the overall visual impact on the PROW remains significant; the “landscape framework of hedgerows” also takes time to mature and it is the timescale that is of concern, certainly not the intention of hedgerow planting, the benefits of which are well known. More immediate mitigation would be required to lessen the impact.

Decommissioning – our concerns would be the same as during construction, see above.

Public Bridleway widths – the 10-15m quoted are in accordance with other solar farm applications across the County to give user space. Even though the field parcels would only be on one side of the route, given the status of Bridleway and the nature of the user, greater width to some extent is required. Whilst the applicant may not be able to grant further width directly, we would presume they are able to discuss this point with the landowner who remains the owner throughout the site use as Solar Farm. A consideration could be given

to a greater width for the lifespan of the solar farm, and then reverting to current width after decommissioning.

Glint and Glare assessment – again our concerns arise due to the nature of the PROW being a Bridleway and we request this is taken into account.

CCTV, gates and fencing – we note that the fencing would only be alongside TM15 at the field parcels, however this does impact the use, see points above re greater width required. We do not advise CCTV along the side next to the PROW route, if there was greater width given to PROW users, this concern may be lessened. We note the positioning of the proposed gates, that will not be on the alignment of the PROW.

Comments still to be addressed (from our previous responses)

Any details of improvement to the surface of PROW, the repair of surface post construction, during operation and post decommissioning.

There has been no comment on our request for developer contributions as mitigation for the adverse impact on the PROW and the wider network.

### *Original Comments October 2023*

Thank you for the opportunity to comment on the above application. As a general statement, KCC's Public Rights of Way and Access Service are keen to ensure that our interests are represented with respect to our statutory obligation to protect the Public Rights of Way (PROW) in the County and to seek improvements to the network. The team is committed to working in partnership with the applicant to achieve the aims contained within the Rights of Way Improvement Plan (ROWIP) and Framing Kents Future, KCC Strategic Policy. Specifically, these relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

The following Public Rights of Way are affected by the site: Public Bridleways TM15, TM20, TM19, with Public Footpaths TM17, TM21, TM14, TM13 in the immediate area, and all connecting to the wider PROW network. The connectivity across the wider area is of great significance and benefit to the area in terms of both leisure opportunities and of increased use for Active Travel due to the development growth of the wider area.

KCC PROW and Access Service place a holding objection on the above application, however, would be in a position to lift this objection if the following points can be addressed and satisfactorily resolved:

- Site access during construction and operation unclear regarding use of TM15
- Insufficient detail regarding PROW incorporation to enable full comment, unsuitable proposals re security and compound infrastructure.
- Lack of appropriate mitigation for the significant impact on PROW use in terms of amenity and impact on landscape

KCC PROW and Access would therefore welcome direct engagement with the applicant to discuss these issues.

We would draw attention to fact that we were not consulted on the previous Screening Opinion and Scoping Report, which would have been beneficial.

With more specific reference to the proposals:

Design and Access Statement :

4.8.2 – Deer fencing around each field parcel at 1.9m high, CCTV on 3m high pole, are all features that do not sit well adjacent to a Right of Way, particularly the long stretch of Bridleway TM15. Public access in proximity to industrial security storage is not advisable (see Kent Police response) and might possibly encourage use of the PROW to illegally access the compound thus giving risk to legitimate PROW use. We would require engagement to discuss.

4.12 – the proposed five months construction period followed by 40 years operation and five months decommissioning will have a highly significant impact on the nature of the PROW routes and user experience.

5.38 – note the inclusion of the KCC ROWIP

6.3.11 – reference to “improve the setting (of the PROW) with the addition of wildlife habitats and the enjoyment of the natural environment” - lack of detail however regarding the route itself, in terms of width and surface, will be incorporated. We would advise 10- 15m for Public Bridleway as has been reflected in other Solar Farm proposals across the County.

6.68 – as comment above, KCC PROW and Access were not consulted at the previous Screening Opinion etc. . The five month construction period will have a negative impact on PROW users in terms of noise, visual impact, air quality. Any vegetation screening will block the existing open, long distance views as well as the solar construction and operational site – see 6.613.

6.6.16 Glint and Glare – PROW network appears not to have been included in any assessment.

6.6.24 – any CEMP must include assessment on the surrounding PROW network.

6.9.6 – as above, CTMP and CEMP must include PROW management as part of the Highway Network (KCC PROW and Access Service is the Highway Authority for Public Rights of Way).

6.9.9 – “No PROW closures or diversions” with banksmen / signage proposed during cable laying etc., - all to be agreed and approved by ourselves, with a full risk assessment undertaken. If, however we consider that any diversions/closures are required in interest of public safety this would also have to be agreed.

6.10.4 – any fencing and CCTV should not impinge on PROW use and we would require details of exact locations of the gates with reference to the PROW routes. The applicant

should consider the nature of Public Bridleway users (equestrian and cyclist) which is considered more sensitive than pedestrian alone.

7.1.7 – Visual and Landscape Impacts – the impact of the proposed development on the PROW network will be significant over the long time period of construction, operation and decommissioning. The open, wide views of this landscape will be heavily impacted, and the user amenity of the existing routes will be affected. Mitigation proposed only in terms of planting not regarded as sufficient and we would be seeking developer contributions for improvements to the wider network.

#### Transport Statement

3.6.3 – refers to “no dedicated cycle network”. We advise the applicant consults the Thanet LCWIP proposals currently in draft and the aim of the Council to improve off road walking and cycling across the area. The surrounding developments (including the proposed Thanet Link Road) coming forward all have improvement to cycling and walking infrastructure which would connect directly to the routes affected here. As such the overall connectivity and importance of networks should be recognised and the opportunity taken for improvements.

4.1.4 – All management of PROW to be approved by KCC PROW and Access noted.

4.2.2 – see above regarding TM15 during construction and sensitive users which may mean greater management. Again, advise engagement with ourselves.

4.3 – Construction Traffic – the safety management on surrounding roads must also include NMU use connecting across the PROW network, again in particular equestrian use. There must be signage and appropriate safety measures for all user awareness on rural roads to avoid conflict. The estimated number of movements over the construction five month period is relatively high and this does not include staff traffic.

5.2.8 – see above, signage is not just to “warn drivers” but all users of the highway and rural roads.

#### Landscape and Visual Impact Assessment

Refers to “largely open landscape” and “long distance views” as the current character of the area – see above comments re the impact on PROW user experience.

6.4.18 – PROW routes noted and this emphasises the density of the Network and therefore the level of impact to the Network.

6.4.20 – “some recreational use” – there is high use, particularly from equestrian user groups and all use will increase on the PROW network due to increased pressure from surrounding development coming forward. The Public Bridleways here, particularly TM15 offers significant off road connectivity into Margate for Active Travel and the opportunity should be taken to provide a quality route to meet the increase of use.

6.5.33 & 35– Note the PROW viewpoints. We do not consider that the impact will reduce to moderate adverse but remain significant, due to the impact on and alteration of the

landscape. Screening that is dependent on maturation of plants does not mitigate this impact.

6.6.1 – Mitigation – This project provides an opportunity to improve the PROW network and develop new links for connectivity across the network and that provide safe alternatives to existing on-road routes. Improvements of existing routes should be considered as positive outcomes of the scheme. The public benefits of such work would help to compensate for any disruption caused by the construction of the solar park and negative effects on the PROW network, which result from the delivery of the solar park and are unavoidable. Examples of routes to benefit would be TM19, TM20, the whole route of TM15, in terms of new surface, surface repair, replacement furniture, new signage etc. Improvements to the network would include the PROW junctions with the rural lanes for safety reasons. KCC PROW and Access would welcome discussion with the applicant regarding an appropriate mechanism to secure funding to futureproof the network.

#### General Comments

Any disturbance of the routes and works affecting PROW require approval from KCC PROW and Access as the Highway Authority.

Again, all matters regarding access, access tracks, and compound and the impact on the PROW with regard to public user safety and enjoyment must be fully mitigated and proposals approved by KCC PROW and Access. Consideration should also be given to the impacts on the PROW network during the pre-construction/early design stage of the project, in addition to the construction and operational phases of the project. For example, during the pre-construction phase, excavation works may be required to evaluate ground conditions and reptile fencing may be erected to conduct ecological surveys. The results of these investigations may influence and determine the final design of the Solar Park, but the process of collecting the data may cause disruption to PROW users.

It is understood that transformers and electrical infrastructure would need to be installed within the Solar Park, but the placement of cables across PROW should be avoided. Digging trenches to accommodate cabling would disturb the surface of the highway, which would require the authorisation of the highway authority. Whilst this assent may be given by the County Council, the initial excavation work (and future maintenance works during the operational phase of the project) would cause disruption for path users.

#### Summary

The proposed Solar Farm will transform the character of the area and would have a significant impact on the PROW network, causing disruption to path users during the construction period, affecting the experience of path users during the operational phase and during decommissioning. However, with careful planning, engagement with KCC PROW and Access Service, and appropriate mitigation, it is hoped that the negative impacts identified can be addressed.

Going forward, the PROW & Access Service advises engagement with the applicant to review the impacts detailed in our holding objection, how they may be addressed and to consider PROW network improvements which could be delivered through the project and



enhance the legacy of the Solar Park. We would also advise consultation with the British Horse Society, given the Public Bridleways affected and the level of equestrian use in the area.

A PROW Scheme of Management would then be required to be conditioned and agreed and approved by KCC PROW and Access prior to commencement of any works.

### **Thanet District Council Environmental Health Officer:**

Environmental Health offer the following comment in relation to: air quality, noise and contaminated land.

#### **Air Quality**

S6.6.24 of the D&A Statement says 'The proposed development is not anticipated to generate unacceptable impacts on air quality. Implementing the Construction Environmental Management Plan would ensure that any vehicle emissions are kept to a minimum and would also ensure that dust does not become an issue during periods of particularly dry weather. Accordingly, any impacts are deemed to be negligible, and no significant effects would occur. During operation, the proposed development would not introduce new air pollutant or dust sources to the area and there would be limited vehicle exhaust releases from occasional maintenance visits to the site. Therefore, potential offsite impacts at sensitive receptors would not be significant.'

Air quality impacts have been considered and scoped out as not significant other than during short term construction activities. The following conditions are recommended:

#### **Condition – Construction Environmental Management Plan**

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the mitigation measures set out in the Outline CEMP and Noise Impact Assessments provided within the ES and in accordance with BS5228-1: Construction Noise and IAQM Guidance dust from demolition and construction 2014.

#### **Noise (ES Chapter 11)**

S6.6.5 of the D&A states 'The proposed development has the potential to generate noise impacts through construction traffic, and on-site infrastructure including inverters, substations and the transformer. However, operational noise would have a negligible impact on local amenity.'

The application has been supported by a noise and vibration assessment (Chapter 11) as part of an EIA to assess the impact of the proposed development on the noise environment. The NIA has been reviewed. The assessment methodology, impact criteria and conclusions are accepted.

To safeguard nearby dwellings from short term noise levels generated during the construction phase an Outline Construction Environmental Management Plan has been submitted and reviewed, a updated CEMP will be required prior to works commencing.

Operational noise has been assessed as negligible, with transformer noise well below measured background levels. The transformers, have been positioned away from sensitive receptors, however as a safeguard the following condition is recommended:

#### Conditions: Inverters and Transformers - Noise Rating Level

The rating level of noise emitted from the proposed plant and equipment to be installed on the site shall not exceed the background noise level (LA90,T) or 35dB A,r, whichever is highest, at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014 + A1:2019.

#### Contaminated Land

The application has been supported by a Phase 1 land Contamination Assessment which finds that the site is of low geo-environmental risk, with the only potential contamination source on site being from the infilling of WWII trenches. Although unlikely to affect the proposed development the following condition is recommended:

#### Condition – Unsuspected Contamination

If, during development, significant contamination is suspected or found to be present at the site, then this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters.

### COMMENTS

The application is brought before Members as a matter of significant public interest as agreed by the Planning Applications Manager and the Chair of the Planning Committee.

The main considerations in relation to this application are the principle of development, impact of the proposed development on the character and appearance of the area, the landscape setting, impact on neighbouring residential amenity, archaeology, biodiversity and ecology and highways matters.

#### **Principle**

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material

considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

At a national level, there is a range of statutory and non statutory policy drivers and initiatives which are relevant to the consideration of planning applications for Solar Energy. The Climate Change Act 2008 commits the UK to an 80% reduction in greenhouse gases by 2050. In April 2021 the UK Government announced that it will set a climate change target into law to reduce emission by 78% by 2035 compared to 1990 levels in the UK's sixth Carbon Budget.

The NPPF sets out the national planning policy context for renewable energy. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 157 highlights that the planning system should support the transition to a low carbon future and help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience to meet the challenge of climate change. Paragraph 163 states 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 cutting greenhouse gas emissions and approve the application if its impacts are (or can be made acceptable).

The National Planning Practice Guidance (NPPG) highlights within the Renewable and Low Carbon Energy Section that 'local topography is an important factor in assessing whether large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominantly flat landscapes as in hilly or mountainous areas.' Particular factors local planning authorities will need to consider are outlined and include 'encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value.'

Policies SP37, QD01, CC04 and CC06 of the Thanet Local Plan support new developments that take opportunities to mitigate against climate change and provide more sustainable living, including through the use of solar energy, subject to an assessment of all material considerations relating to the principle of the use in the proposed location, any likely impact on the surrounding areas, landscape settings, the most versatile agricultural land and neighbouring amenity.

The site is located in the open countryside, where Policy SP24 of the Thanet Local Plan sets out that development on non-allocated sites in the countryside will be permitted for either the growth and expansion of an existing rural business, the development and diversification of agricultural and other land based rural businesses, rural tourism and leisure development, the retention and/or development of accessible local services and community facilities or the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings. All development proposals to which this policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated.

The majority of agricultural land in Thanet is best and most versatile and as such Policy E16 of the Thanet Local Plan applies to development on agricultural land within the District. This states that applications for solar parks on best and most versatile agricultural land should comply with Policy CC06 of the Thanet Local Plan.

Thanet Local Plan Policy CC06 relates specifically to solar farms and states that applications will only be permitted if there is no significantly detrimental impact on any of the following: Thanet's historic landscapes; visual and local amenity, including cumulative effects; heritage assets and views important to their setting. Proposals on agricultural land must demonstrate that the proposal will comply with all of the following: Cause minimal disturbance to the agricultural land and be temporary, capable of removal and reversible, and allow for continued use as such on the remaining undeveloped area of the site and provide biodiversity enhancements. The need for renewable energy does not automatically override environmental considerations. These matters will be considered in the relevant sections below.

The preamble to this policy outlines where permission has been granted for solar parks at the time the Local Plan was prepared and states that it may be possible that other sites could be considered for further development of solar parks. Further sites should be located on previously developed land or non-agricultural land wherever possible. There are potential negative impacts to the countryside, landscapes, and to best and most versatile agricultural land. For proposals on agricultural land, the developer will be expected to demonstrate how the land can still be used for agricultural purposes. The developer will be required to outline a management programme to demonstrate that the areas beneath and around the panels will not become overgrown, and to assist with the eventual restoration of the site, normally to its former use.

The principle of the proposed development, in this location, is therefore potentially acceptable, subject to compliance with the requirements of Policies CC06 and SP24 of the Thanet Local Plan and a full assessment of all other material planning considerations.

#### *Impact on agricultural land - best and most versatile*

NPPF Paragraph 180 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, 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. Paragraph 181 of the NPPF considers the conservation and enhancement of the natural environment through plans and the associated footnote (62) states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.

The National Policy Statement for Renewable Energy Infrastructure EN-3 (2024) highlights that with regards to solar energy, while land type should not be a predominating factor in

determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of “Best and Most Versatile” agricultural land where possible. Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise adverse impacts on soil health and potential land contamination.

A Commons Library Research Briefing - Planning for Solar Farms (2024) states that how much weight an LPA will give to the need to protect agricultural land compared with the need for renewable energy will depend on the particular circumstances of each individual case. It is up to the LPA (or the government’s Planning Inspectorate on appeal) to determine. If they have taken account of all relevant material considerations, the courts will generally not rule on the relative importance of material considerations.

Thanet Local Plan Policy CC06 relates specifically to solar farms and states that proposals on agricultural land must demonstrate that the proposal will comply with all of the following: Cause minimal disturbance to the agricultural land and be temporary, capable of removal and reversible, and allow for continued use as such on the remaining undeveloped area of the site and provide biodiversity enhancements. The need for renewable energy does not automatically override environmental considerations.

The preamble to this policy outlines that further sites (beyond the renewable energy solar park applications already permitted) should be located on previously developed land or non-agricultural land wherever possible. There are potential negative impacts to the countryside, landscapes, and to best and most versatile agricultural land. For proposals on agricultural land, the developer will be expected to demonstrate how the land can still be used for agricultural purposes. The developer will be required to outline a management programme to demonstrate that the areas beneath and around the panels will not become overgrown, and to assist with the eventual restoration of the site, normally to its former use.

The agricultural land on which the solar farm would be sited has been assessed by Natural England as a mix of Grade 1 (excellent) and Grade 2 (very good). A site-specific survey has been undertaken in support of the application. This highlights that a large portion of the eastern development parcel comprises both Grade 2 (very good) and Grade 3a (Good) whilst the western development parcel includes a mix of Grade 1 (excellent), Grade 3a (Good), Grade 3b (moderate) and Grade 4 (poor). Overall, the site comprises 83% Best and Most Versatile (BMV) land. The supporting information states that provisional data for Thanet suggests that 64% of Thanet District comprises BMV land, with only 3-4% being non BMV land and 32% is land not used for agriculture. It is argued that this drastically limits the opportunity for solar farms on land that is non-BMV land in the local area. The supporting information states that the solar farm would use only 0.52% of Thanet District’s BMV land, after which the site would be returned to agriculture. The Applicant asserts that the land would be borrowed (for the lifespan of the solar farm) and the development reversible as opposed to alternative more permanent forms of development.

Natural England have reviewed the information submitted and consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas of BMV agricultural land. Soil is a finite resource which plays an essential role within sustainable ecosystems. As such, conditions in relation to management to safeguard soil resources and agricultural land which would include a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade) are advised. The application is supported by a soil management plan which outlines how the majority of soils will remain in situ on site, with any stripped soils to be stored on site. Surplus soils are proposed to be utilised on site as part of the landscaping proposed. The plan outlines a soil handling and storage monitoring protocol as well as restriction on excavations of soils, use of low ground pressure tyres on construction vehicles and plant, with soil stripping to cease in certain weather conditions. This plan would need to be conditioned in the event of any approval, including methods/measures for the reinstatement of soil conditions following the cessation of use of the solar farm.

The Applicant argues that the loss of potential for food production will be a temporary effect. The site comprises cereal crop fields for the majority of the site.

The proposed development would allow the diversification of the existing agricultural business. Paragraph 88 of the NPPF states that planning policies and decisions should enable the development and diversification of agricultural businesses. Thanet Local Plan Policy E15 states that proposals to diversify the range of economic activities on a farm will be permitted if all of the following criteria are met: The proposal is compatible with the agricultural operations on the farm, and is operated as part of the farm holding; The loss of best and most versatile agricultural land is minimised; The likely traffic generation could be safely accommodated on the local highway network. Proposals should, where possible, utilise existing farm buildings. The supporting documentation states that the proposed development would diversify the farming business, resulting in a steady medium to long term income stream to support the agricultural business given the recent increase in farming costs. The proposed development may also result in an option for sheep grazing.

There are a number of biodiversity enhancements incorporated in the scheme. Mitigation for the proposed development involves hedgerows and planting around the perimeter of both development parcels. There is however a question over the feasibility of the site returning to agricultural use for food production at the end of the 40 year lifespan of the development. Whilst the array and associated buildings may be removed from the site it is the intention for the planting to remain in situ beyond the decommissioning phase. It is therefore considered that the two development parcels may not easily be assimilated back into agricultural use due to the enclosed nature of the sites and any process would have to be carefully managed.

Overall whilst the proposed development, by its nature, would be reversible, the lifespan of the solar farm (estimated at 40 years) would take a large portion of high quality agricultural land out of use for a number of decades. No clarification or further information has been provided by central government in relation to footnote 62 or any test regarding the availability of land for food production (including consideration of previous levels of productivity). Notwithstanding this lack of clarity, a reduction in productivity will occur in relation to food production of the site. However, the provisions of Local Plan Policy CC06 for solar farms have been met in relation to proposals on agricultural land and therefore the proposal is not contrary to the policies of the Local plan with regards to the temporary loss of BMV.

### **Character and Appearance**

The application site lies to the west of Flete and comprises two parcels of development, namely an eastern parcel (abutting Manston Road) and a western parcel (abutting Woodchurch Road). Whilst the scheme involves one solar farm it would be viewed as two separate developments due to distance between the two sites and as such would involve different viewpoints and receptors. The sites are currently in arable agricultural use, producing a variety of crops and sit within the open countryside and designated Landscape Character Areas.

The contribution Thanet's landscapes make to Thanet's sense of place and island characteristics is very strong. Development would be expected to respect the diverse landscape characteristics of the countryside and coast.

Thanet Local Plan Policy SP26 states that the Council will identify and support opportunities to conserve and enhance Thanet's landscape character and local distinctiveness. Development proposals should demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness, in particular a sense of openness and 'big skies', particularly in the central part of the District. All development should seek to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea, and proposals should demonstrate how the development will take advantage of and engage with these views.

Policy SP26 of the Thanet Local Plan has been informed by the Thanet Landscape Character Assessment (2017) which identifies character areas with defined characteristics from which their importance is derived. The application site lies primarily within the 'Central Thanet Undulating Chalk Farmland' with a small portion of the site within the western land parcel located within the 'Manston Chalk Plateau'. The 'Central Undulating Chalk Farmland' Landscape Character Area comprises high quality agricultural land and the openness and undeveloped character of the farmland contributes to the essentially rural character and relatively dark skies, whilst the 'Manston Chalk Plateau' Landscape Character Area is generally flat or gently undulating, with extensive, unenclosed fields under intensive arable cultivation.

In terms of character and appearance, Paragraph 135 of the NPPF states that decisions should ensure that developments will function well and add to the overall quality of the area. Thanet Local Plan Policy QD02 outlines that new development should be well designed,

respect and enhance the character of the area paying particular attention to context and identity of its location.

The site is relatively flat and characterised by its openness. This area in the centre of the district is highly visible from a range of public vantage points, surrounding roads and public rights of way, as is evidenced by the zone of theoretical visibility plan provided.

The scheme proposes native species hedgerow planting around each of the development parcels with a target height of 3 metres and 2.5 metre thickness. In addition, a 10 metre wide woodland belt is proposed to the north east and north west boundaries of the eastern development parcel. A hedgerow with trees would be planted along the track that connects both of the development parcels and there is a wildlife pond proposed within the eastern development parcel. The two development parcels would also benefit from a number of seeded areas.

The Applicant considers that whilst dependent on the type of hedgerow installed, the expected time to reach maturity will be 2-5 years.

The proposed development would have a visual impact not only from public vantage points along the surrounding highway network but also a number of Public Rights of Way (PRoW) namely Public Bridleways TM15, TM20, TM19 and Public Footpaths TM17, TM21, TM14, TM13 in the immediate area, and all connecting to the wider PRoW network.

In terms of the most immediate highway and publicly accessible routes impacted by the proposed development; the eastern development parcel abuts Manston Road whilst the western parcel abuts Woodchurch Road. Public Bridleway TM15 runs alongside the western boundary of the eastern development parcel and along the proposed access route between the two sites before running alongside the eastern boundary of western development parcel.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). Within the assessment viewpoints area provided to assess the level of impact from the proposal:

- Viewpoints 4 & 5 represent viewpoints from Manston Road, Viewpoint 8 Shottendane Road and Viewpoint 3 Fleet Road - the LVIA states the magnitude of the impacts would be medium to high and the effects moderate to substantial adverse (significant) initially. Once mitigation is established this would reduce to not significant.
- Viewpoints 1, 2, 5 and 8 are representative of Bridleway TM15 that runs between the 2 areas of the site and the connecting paths TM19, TM20, TM21 and TM13. The LVIA states that there would be open and close views of the development due to lack of field boundary hedgerow. The planting would provide screening in time as it establishes. The magnitude of the impacts are identified as medium to high and the effects substantial adverse (significant) initially reducing to moderate adverse (not significant) with time.



- Viewpoints 3, 4, 6 and 7 are representative of other PRow in the area which would have views of the development - TM22, TM14, TM16 and TM17. Again effects stated would be significant initially, with the exception of TM16, reducing to not significant with time.
- Viewpoints 9 & 10 are representative of the PRow in the west of the study area and are stated to illustrate that intervening landform would screen views of the development from these PRow.

### *Development Parcels*

#### *Eastern Parcel*

The eastern development parcel of the proposed development lies within the 'Central Thanet Undulating Chalk Farmland'. Development proposals should demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness, in particular a sense of openness and 'big skies' in the central part of the District in accordance with Thanet Local Plan Policy SP26.

The views of the proposed development would be particularly strong from Manston Road with multiple receptors from public vantage points along the highway, due to the proximity of the site to the public highway, the topography of the land and limited existing screening which means that the site is highly exposed from the highway as it slopes down and away from the road before rising at its northern extent, in addition to the public footpaths and bridleways that run alongside and in close proximity to the site.

The photomontages provided as part of the Landscape and Visual Impact Assessment (LVIA) show views of the development parcel on completion of the project and proposed view 10 years after completion. The visual impact arising from this development parcel is demonstrated by viewpoint 3 and assuming that the proposed natural screening of the development has reached the anticipated height and width at the 10 year point as predicted, the PV panels would remain highly visible from wider public vantage points.

The photomontage viewpoint 4 shows proposed views of both of the development land parcels at completion and at the 10 year point and highlights the expanse of development within the open countryside clearly demonstrates the topography of the land from this public vantage point. The PV panels, security fencing and CCTV structures would be highly visible for a number of years. If the proposed mitigation comprising natural screening of the development has reached the anticipated height and width at the 10 year point as predicted, views of the physical structures and associated infrastructure would be reduced. However, by the nature and scale of the proposed mitigation (3 metre high native hedgerow), the open nature of the landscape in views to the north and views from the public bridleway TM15 to the south would be fundamentally changed from the defined characteristics of the existing landscape (as enshrined in Thanet Local Plan Policy SP26). This creation of an artificial (albeit natural planting) mitigation would create a visual barrier around the site from existing immediate and longer views, resulting in the loss of the key and defining characteristics of this area, altering the landscape of this part of the District which, whilst reversible, would not be temporary.

### *Western Parcel*

The western development parcel also lies within the 'Central Undulating Chalk Farmland' Landscape Character Area. In addition, part of the site (to the south) lies within the 'Manston Chalk Plateau' Landscape Character Area. Policy SP26 of the Thanet Local Plan highlights that this area is generally a flat or gently undulating landscape, with extensive, unenclosed fields under intensive arable cultivation. The elevated Central Chalk Plateau also forms a skyline in many views back from lower landscapes in Thanet, including the coast and marshlands. Development proposals should demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness, in particular a sense of openness and 'big skies' in the central part of the District.

The views of the proposed development would be particularly strong from Woodchurch Road due to the proximity of the site to the public highway and the topography of the land, which means that the site is highly exposed from the highway, in addition to the public footpaths and bridleways that run alongside and in close proximity to the site.

The photomontages provided as part of the LVIA show views of the development parcel on completion of the project and proposed view 10 years after completion. The visual impact arising from this development parcel is demonstrated by viewpoint 2 and assuming that the proposed natural screening of the development has reached the anticipated height and width at the 10 year point as predicted, the PV panels would remain highly visible from public vantage points.

However, by the nature and scale of the proposed mitigation (3 metre high native hedgerow), the open nature of the landscape in views from the public bridleway TM15 to the south and Woodchurch Road would be fundamentally changed from the defined characteristics of the existing landscape (as enshrined in Thanet Local Plan Policy SP26). This creation of an artificial (albeit natural planting) mitigation would create a visual barrier around the site from existing immediate and longer views due to the topography of the land, resulting in the loss of the key and defining characteristics of this area, in particular in the longer term unenclosed fields altering the landscape of this part of the District which, whilst reversible, would not be temporary.

Whilst it is noted that there would be a temporary landscape visual impact during the construction period and to a lesser extent at decommissioning phase, this is not determinative.

### *Buildings and structures*

The proposed buildings and structures (in addition to the PV Panels) to support the solar farm are to be sited within the eastern development parcel, near to the main vehicular access to the site from Manston Road.

There are two substations, a transformer together with a workshop and storage container proposed within a substation compound. The substation would have a height of 2.75 metres to a flat roof, a length of 6.2 metres and width of 4.2 metres. The DNO substation would have a height of 3.4 metres, a length of 5.84 metres and width of 4.38 metres. Whilst the

workshop and storage container would have a height of 3.01 metres, length of 6.18 metres and width of 2.46 metres. The three buildings would be constructed of galvanised steel with an olive green finish. The transformer would have a height of 4.35 metres, length of 5.35 metres and width of 4.15 metres.

Security fencing is proposed along the full perimeter of each development parcel. The fencing would have a height of 1.9 metres (from ground level), comprising HT galvanised steel wire deer control fencing with wooden fence posts. There is a vehicle gate proposed at the site entrance (Manston Road) which would comprise HT galvanised steel wire and galvanised steel fence posts with a height of 1.9 metres and length of 3.6 metres with further gates along the vehicular route to ensure that the two development sites are secure.

To aid security further there are a total of 56 CCTV cameras (facing the site) proposed to the perimeter of the two parcels of development, these would be sited adjacent to the security fencing and comprise a galvanised support steel together with a CCTV camera finished in white paint. Each camera would have a height of 3 metres.

In terms of the buildings required to support the proposed development, sited within the substation compound, due to their location, scale, proximity to Manston Road and the topography of the area, this element of the development would be highly visible from a range of points along the highway and surrounding publicly accessible locations, particularly in the early years post construction when the proposed natural screening mitigation is yet to mature.

The structures would therefore, by their nature appear obtrusive in this countryside location, resulting in an adverse impact on the character of the area and the intrinsic perception of open countryside and arable farmland.

### *Summary*

The Applicant asserts that in terms of the Landscape Character Area there would be significant adverse visual impacts in the short to medium term on immediate landscape character whilst effects on the wider landscape character of the Central Thanet Undulating Chalk Farmland Landscape Character Area is assessed as moderate adverse overall but effects would reduce to moderate adverse and not significant after hedgerows and woodland establish to screen views of the solar farm.

Having regard to the Landscape and Visual Impact Assessment submitted in support of the application, it is clear from the photomontages provided that the landscaping proposed to soften the impact of the development, associated structures, necessary security fencing and CCTV poles would not mitigate against the significant visually intrusive impact the solar farm would have in this prominent location. Should the proposed planting achieve the heights and widths predicted, it is evident that the development would remain highly visible from a number of public viewpoints, primarily due to the topography of the land, and the mitigation itself would serve to enclose the site, causing an obstruction and a further adverse impact on longer views, resulting in a loss of openness, which would be severely detrimental to the Landscape Character Area and the intrinsic character of this area. For these reasons it is considered that the proposed development would have a significant impact on the immediate

landscape character over the short, medium and longer term. It is noted that due to the nature and lifespan of the proposed development that the visual impacts would be reversible, they would, however not be temporary. The proposed planting would be retained beyond the decommissioning phase.

The Applicant states that all surrounding footpaths and bridleways would remain in use throughout the construction and operational phases of the development. However, a number of concerns are raised by the KCC Public Rights of Way (PRoW) Officer and the British Horse Society regarding the impact the proposed development would have on recreational users of the space and the significant visual impact which would remain over the lifespan of the development impacting on both usage and enjoyment of these routes.

Given the above, it is considered that due to the nature, scale and siting of the proposed development significant visual harm would be caused and the scheme would fail to respect and respond to the character, key sensitivities and qualities of the Landscape Character Areas within which it sits, resulting in significant harm to local distinctiveness, contrary to Thanet Local Plan Policies SP26 and CC06. This environmental harm to the landscape is therefore afforded significant weight in the determination of the application.

### **Living Conditions**

In terms of living conditions, Paragraph 123 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 135 states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users. Thanet Local Plan Policy QD02 outlines that new development should be compatible with neighbouring buildings and spaces, and should be inclusive in its design for all users. Thanet Local Plan Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. Policy SE05 of the Thanet Local Plan states that new development must ensure that users are not significantly adversely affected by the air quality and include mitigation measures where appropriate. Thanet Local Plan Policy SE06 outlines that proposals that would have an unacceptable impact on noise-sensitive areas or uses will not be permitted.

The Glint and Glare Assessment that has been provided in support of the application details the topography of the proposed development sites. The western development parcel starts at an elevation of 30.8m in the north and drops in the middle to 22.7m and then rises to 35.1m in the south corner. The array also starts at 32.3m height in the west and drops to 23.5m in the east. The eastern development parcel array starts at a height of 15.3m in the north and slopes quite significantly to 36.6m in the south. Similarly, this array slopes down west to east, starting at 27.7m and falling to 22.9m.

In terms of local properties comprising residential dwellings, industrial estates, farms and stables, the assessment provided concludes that prior to the maturation of the proposed natural screening, six of the eighteen assessed observation points (which nearly all

represent more than one property) were predicted to receive minor glare. Once the proposed screening is fully matured, none of the properties are predicted to receive any direct glint. There is also no permanent lighting proposed to serve the development.

With regards to noise, the Environmental Health Officer has reviewed the information submitted which includes a Noise and Vibration Assessment. The Officer confirms that the assessment methodology, impact criteria and conclusions are accepted. The Design and Access Statement outlines that the proposed development has the potential to generate noise impacts through construction traffic, and on-site infrastructure including inverters, substations and the transformer. The Officer notes the contents of the Outline Construction Environmental Management Plan (OCEMP) and considers that a condition requiring an updated CEMP is appropriate to safeguard nearby dwellings from short term noise levels generated during the construction phase. It is noted that operational noise has been assessed as negligible, with transformer noise well below measured background levels. The transformer has been positioned away from sensitive receptors. A safeguarding condition in relation to inverter and transformer noise is recommended to protect the residential amenity currently enjoyed by nearby residential property occupiers and this is considered appropriate and necessary.

With regards to vibration, the Noise and Vibration Assessment highlights that the construction phase may generate vibration but concludes that due to the distance of receptors this is unlikely to be felt and as such is assessed as negligible. It is considered that the decommissioning phase would have a similar impact and level of effect to the construction phase and as such was not assessed separately.

Having regard to the above, it is considered that subject to the imposition of safeguarding conditions, the proposed development is unlikely to cause harm to the living conditions of nearby property occupiers through an unacceptable level of noise or vibration.

The Environmental Health Officer has also reviewed air quality. The supporting information states that the proposed development is not anticipated to generate unacceptable impacts on air quality. Air quality impacts have been considered and scoped out as not significant other than during short term construction activities. A safeguarding condition requiring the submission of a CEMP which includes the mitigation measures set out in the Outline CEMP and Noise Impact Assessments provided within the Environmental Statement is recommended to protect air quality.

Given the above, subject to the recommended safeguarding conditions it is considered that the proposed development would not result in harm to the residential amenities currently enjoyed by neighbouring property occupiers, in accordance with Thanet Local Plan policies QD02, QD03, SE05 and SE06 and the National Planning Policy Framework.

## **Energy Generation and Climate Change**

As identified in the Applicant's submission, the Climate Change Act 2008 (as amended) sets out the legal obligation of the UK to achieve a 100% reduction in greenhouse gas emissions from 1990 levels (net zero) by 2050. Further national targets have been set by the government to reduce emissions, with Kent County Council outlining the County's Energy and Low Emissions strategy in 2020. Thanet District Council have declared a Climate and

Biodiversity Emergency (2019), with our 2022 Net Zero Strategy setting out our priorities to address emissions in TDC's core carbon footprint, wider TDC emissions and Thanet wide emissions. This includes assisting the reduction of greenhouse gas emissions through local planning policies.

Solar power comprises a key method of renewable energy generation to support the transition to zero carbon across the U.K, whilst also supporting the ongoing development of a secure energy supply. It is within this context that the proposal would generate 30MW of electricity annually, stated in the submission to power 9,458 homes each year. The energy generated would offset the equivalent of 6,114 tonnes of carbon dioxide emissions per year.

This would provide a substantiate environmental benefit from the proposal, which is afforded significant weight in the determination of the application.

### **Biodiversity and Ecology**

Development proposals should positively contribute to and enhance habitats and biodiversity assets. Paragraph 180 of the NPPF sets out the principles that local planning authorities should apply when determining applications whilst Thanet Local Plan Policy SP30 states that development proposals are required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets.

In the preparation of the Environmental Statement, a preliminary ecological appraisal was conducted which identified a series of hedgerows and grassland across the site of county level importance, however with limited supporting habitats or evidence for/of reptiles or bats. The hedgerows and trees present on the site would be retained and these are considered suitable habitat for foraging and sett creation for badgers. Checks will be required to take place during construction to ensure no mammal burrows are affected for foraging across the site.

The original submission included a series of wintering and breeding bird surveys, however further information and survey work was requested by both Kent County Council Ecology (as the Council's appointed ecologists) and Natural England. This request focused on two areas; the need for an additional season of wintering bird surveys to confirm that the site does not constitute functionally linked land to the designated sites at Thanet Coast and Pegwell bay for the qualifying feature species (European Golden Plover, Ruddy Turnstone and Little Tern) and details of additional mitigation for birds covered under Section 41 of the 2006 Natural Environment and Rural Communities (NERC) Act. These will be dealt with in turn below.

#### *Functionally Linked Land*

The wintering bird transect surveys undertaken in 2021/2022 and the subsequent surveys conducted in 2023/24 confirm that none of the qualifying species associated with the SPA/Ramsar sites (therefore including Ringed Plover, Grey Plover, Sanderling and Lapland Bunting in addition to the SPA qualifying species) were observed using the site for foraging etc. Golden Plover were observed on land 100 metres from the application site but no

species were observed on-site, with surveys conducted at different times to include high and low tide and sunrise and sunset.

Natural England have been directly consulted by the Council on the additional information submitted, however they have not provided a further comment on the basis of the additional information submitted. In the absence of a comment from Natural England, on the basis of the additional screening report produced by the applicant, it is considered that it has been demonstrated that the site is not likely to be functionally-linked to the Thanet Coast and Sandwich Bay SPA, nor impacting on any other qualifying features of conservation sites indirectly through loss of functionally linked land and therefore no significant effect would occur to the designated sites, with no requirement for an appropriate assessment under the Habitat Regulations.

### *Skylarks*

The PEA and breeding bird survey work conducted by the applicant identified a peak count of 35 Skylark territories within the red line boundary of the site. This displacement of Skylark habitat was characterised as a moderate adverse impact. The initial mitigation site to be provided off-site was not considered to be suitable in location and size by KCC Ecology, with Thanet Local Plan Policy SP30 requiring that development should mitigate against the loss of farmland bird habitats. In addition, the site has not been allocated for development, therefore the loss of the habitat has not been considered within the plan-making process for the extent of the site. To ensure that the off-site land was provided on the basis of long-term availability of the habitat for the lifetime of the development, it was suggested that a legal agreement would be required to secure the land outside the red line.

The applicant has produced a draft Unilateral Undertaking and a Skylark Mitigation and Management Plan, which outlines the requirements for breeding locations, including field margins and wide open spaces. A site comprising 2 ha is identified, located to the north of the western parcel of the proposed development, to be managed to maximise Skylark breeding via an annual rotation of organic spring sown cereals and organic set aside (left fallow other than ploughing/harrowing early March each year). The plan provided, which would need to be conditioned through any approval of the scheme, would require survey work throughout the operation of the solar farm, annually for a minimum of the first 5 years following the commencement of the mitigation. On the basis of a valid legal agreement and subject to planning conditions, KCC Ecology is satisfied that the mitigation provided would be adequate to ensure appropriate compensatory habitat is provided for the loss of Skylark habitat.

In relation to the Draft Unilateral Undertaking, this is currently subject to review by the Council's Planning Solicitor, to require that both the developer, and the current owner of the compensatory land (outside the site boundary) are party to the agreement for the mitigation plan to be implemented. It is considered that the unilateral agreement can be provided to secure the mitigation, however at the time of writing the Council do not have a signed undertaking to secure this mitigation. Therefore a technical reason for refusal would be required to be included in any decision to refuse the application at this stage, however this can be overcome if members were minded to approve the application by deferring the

decision to officers to follow the submission of an acceptable legal agreement to secure the mitigation.

### *Landscape Strategy and enhancements*

The proposal includes additional wildflower grassland planting, five native hedgerows on the boundaries of the site, a pond to the north-east of the site and several lines of tree planting on the boundaries (to be agreed as native species), which contribute to a 255.01% net gain in area habitats and a 422.03% net gain in linear habitats (hedgerows) when using the biodiversity metric available at the time of the application. As outlined by KCC, a Landscape and Ecological Management Plan (LEMP) will be required as a condition of any approval to provide further details and to adequately secure the planting proposed. Therefore the scheme would provide a substantial net gain to biodiversity when judged against published criteria (the metric), in accordance with policy SP30 of the Thanet Local Plan. This is afforded positive weight in the determination of the application.

### **Archaeology**

Policy HE01 of the Thanet Local Plan states that 'the Council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features, and will seek to encourage and develop their educational, recreational and tourist potential through management and interpretation. Developers should submit information with the planning application that allows an assessment of the impact of the proposal on the significance of the heritage asset. Where appropriate the Council may require the developer to provide additional information in the form of a desk-based or field assessment. Planning permission will be refused without adequate assessment of the archaeological implications of the proposal'.

The application has been accompanied by an Archaeology and Heritage Assessment, providing a summary of heritage assets in the vicinity of the site utilising published information including Cartographic sources, the Historic Environmental record, aerial photography and other sources, with preliminary geophysical survey work carried out. This work identified the potential of archaeological remains to be present on the site, and through consultation with KCC Archaeology, the site boundary was altered to remove area thought to include a mediaeval field system, World War II trenches, barrows/ring ditches, and potentially prehistoric/Roman enclosures. It is considered that the application adequately outlines how archaeology could be affected by the proposals in accordance with Paragraph 200 of the NPPF and Local Plan Policy HE01.

KCC Archaeology have commented that "development impacts on buried archaeological remains through the remainder of the development site can be managed through a process of further targeted evaluation and design measures to reduce or avoid impacts. Where this cannot be achieved then archaeological mitigation through investigation and recording would be appropriate". Conditions are recommended prior to development commencing to agree field evaluation works to be undertaken, submission of foundation details, fencing erected around areas identified for archaeological preservation and scheme of interpretation focused on the Second World War enclosure that includes an information board in a publicly accessible location.



The submitted Archaeology and Heritage Statement includes the identification of an impact on the Quex Scheduled Monument to the north west of the western parcel, however given the distance and screening proposed this is not considered significant.

On the basis of safeguarding conditions, the development would comply with Thanet Local Plan Policy HE01.

## **Transportation**

Paragraph 114 of the NPPF states how it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up for new developments, given the type of development and its location; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. The subsequent paragraph outlines how development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The planning application has been accompanied by a Transport Statement, with an addendum being provided following comments received from KCC Highways. These documents outline the two phases of development with differing impact on the highway network; construction and operation. In regards to construction, the submission outlines the use of a new vehicular access on the eastern parcel of land, to serve a single construction compound, with temporary parking for contractors on site. At this stage (without a contractor appointed) it is anticipated that a total of 1,767 HGV movements would occur over a 5 month construction period, with a maximum of 50 construction workers travelling to the site. The average daily vehicular movements would comprise 74 two way movements with 58 cars/light goods vehicles (assuming half the staff travel via private transport, the other by joint transportation), and 16 HGVs. The applicant has submitted an outline Construction Management Plan, which raised specific concerns from KCC Highways and these have been taken into account within the further submission by the Applicant. These include the routing of construction vehicles needing to be approved prior to construction, details of the site layout for the compound to include all parking for staff, turning areas and welfare offices, provision of wheel washing and banksman and a number of other ancillary issues. Turning areas have been shown on the submitted addendum, however overall it is considered that the construction matters can be conditioned for resolution with the highway authority prior to construction in the event that the application is approved.

In regard to the vehicular access proposed on Manston Road, the applicant has shown how the access can provide the requested visibility from KCC (2.14metre back from the carriageway, with distance of 215m in either direction). This visibility is suitable for the 60mph speed limit on this stretch of road, and crash data provided indicates 7 instances of accidents in the last 5 years (until 31 July 2023), around the junction between Manston Road and Vincent Road further to the south on Manston Road. The access therefore would not in

itself result in highway safety concerns, subject to a planning condition to ensure the splays are maintained.

In relation to other highways safety considerations, a Glint and Glare Assessment has been provided given the nature of the development and in accordance with national guidance on solar farms. The assessment concludes that whilst there is potential for road users close to the site to see glint from the solar panels, the impact of any glint visible would be similar to a window reflection or still water. No objection has been raised by KCC in relation to the impact of glint or glare on road users on either Manston Road or Woodchurch Road and in the absence of any evidence to the contrary, this is not considered a substantiated issue to raise unacceptable highway safety impacts when applying Paragraph 115 of the NPPF.

During operation of the solar farm it is accepted that the development would result in a minimal impact on the road network, with only 1 visit per month anticipated for maintenance checks. The proposed development would be monitored remotely and operated with an automated system which would alert an engineer should there be any technical issue. Therefore the impact on the road network would be acceptable once the development is operational (with the same access utilised in operation as in construction, with the required visibility splays).

Concern has been raised about the need to utilise the bridleway/farm track that joins the eastern and western development parcels during construction and operation for vehicles, with no direct access to the highway network for the western parcel. These concerns have been reiterated by the KCC Public Rights of Way Officer. During construction especially, the use of this route has the potential to conflict with users of the public bridleways (BW0167 & TM15/1, 2 & 3). The applicant has proposed that these matters be covered within the detailed Construction Management Plan, to avoid temporary closure of the routes but to employ banksman, details of working methods, time restrictions for use by construction vehicles and signage.

In terms of the potential for a contribution to the improvement of public rights of way surrounding the development, whilst it is appreciated that any public right of way affected by construction must be adequately returned to its previous state if affected (which would be required through any construction management condition imposed), the proposed development would not increase the use of public rights of way (unlike residential development for example). Therefore a contribution is not considered to be necessary to make the development acceptable by mitigating a planning harm, therefore it would not comply with the NPPF and CIL regulations and a contribution has not been requested.

On balance, given the temporary nature of the impact, it is considered that the plan to be submitted through conditions would afford sufficient control to mitigate the impact on users of the public footpath/bridleway sufficient to avoid unacceptable harm to movement and access across the network, with only a temporary detriment to access during construction.

## **Security**

In terms of site security, security fencing is proposed along the full perimeter of each development parcel. The fencing would have a height of 1.9 metres (from ground level),

comprising HT galvanised steel wire deer control fencing with wooden fence posts. There is a vehicle gate proposed at the site entrance (Manston Road) which would comprise HT galvanised steel wire and galvanised steel fence posts with a height of 1.9 metres and length of 3.6 metres with further gates along the vehicular route to ensure that the two development sites are secure. In addition to the fencing, a total of 56 CCTV cameras (site facing) are proposed to the perimeter of the two parcels of development, these would be sited adjacent to the security fencing and comprise a galvanised support steel together with a CCTV camera finished in white paint. Each camera would have a height of 3 metres.

Kent Police have reviewed the application and confirm that they are satisfied with the security measures proposed and as such they are deemed acceptable in terms of site security.

## **Other Matters**

### *Contamination*

In terms of contamination, the application is supported by a Phase 1 Land Contamination Assessment which finds that the site is of low geo-environmental risk, with the only potential contamination source on site being from the infilling of WWII trenches. Although unlikely to affect the proposed development, the Environmental Health Officer recommends a safeguarding condition to address unsuspected contamination.

Having regard to the history of the site there is the risk of unexploded ordnance (UXO) and as such further assessment of UXO risk should be carried out prior to any intrusive site works, secured by condition.

### *Economic Benefits*

The supporting information accompanying the application highlights that the proposed development would provide educational opportunities and create a range of skilled jobs during the construction and operational phases which would result in additional expenditure in the area. However, the construction period anticipated to be 5 months in duration would result in limited short term employment opportunities. The site would be monitored remotely and operated with an automated system which would alert an engineer should there be any technical issue with periodic maintenance visits during the operational phase. As such, the economic benefits of the scheme are assessed as modest.

### *Water Usage and Drainage*

In terms of water usage, it is estimated that renewable energy uses 95% less water consumption than conventional power generation. The proposed solar farm would have minimal water requirements and as such would aid water conservation, however this is a general benefit with regard to energy generation, rather than a specific benefit from this site being developed.

The applicant has outlined within the ES the impact from the proposal on the water environment, including a flood risk assessment and mitigation measures to avoid

disturbance to the water environment. Primarily these measures would be incorporated into a construction management plan to achieve industry standards in pollution protection. A drainage strategy has also been provided following the flood risk assessment, seeking to discharge the run-off from the site through infiltration by creating a series of linear swales/open ditches adjacent to access tracks linked to the topography of the site. Run-off rates have been estimated to analyse whether the attenuation is sufficient, with the submission stating attenuation present for 1 in 100year +20% event.

Southern Water have raised concerns about the position of a swale in relation to the position of public sewer running through the site. The layout of the sites (in terms of position of panels) accounts for the estimated position of the public sewer through the western parcel of land following amendments submitted by the applicant.

The principles of the surface water management strategy are considered sufficient, with a grampian condition sufficient to control the precise detail of the drainage schemes and swales to ensure suitable rate attenuation prior to the commencement of development.

### *Health*

With regards to health benefits, the proposed renewable energy development represents a cleaner energy source when compared to fossil fuel energy generation resulting in lower air pollutants and this is welcomed but is once again a general benefit rather than specific from this site being developed.

### *Alternative Site Assessment*

The application is supported by an Alternative Site Assessment document which outlines the alternative sites considered and reasons they were discounted in favour of the application site. The assessment outlines the requirements for a suitable site to locate a solar farm. The search parameter included land within a 3km radius of the grid connection point for the proposed solar farm. When considering an alternative site, the site must be of an adequate size to accommodate the proposed solar farm and associated equipment, with similar construction and grid connection costs. The site must also be located outside an area at risk of flooding and needs to avoid designated landscape, heritage and ecological assets and constraints. It is stated that previously developed land and lower grade agricultural land has been explored with the conclusion that due to the prevalence of Grade 1 and 2 agricultural land in the area, lower quality agricultural land is unavailable. In this instance, 3 alternative sites have been explored in greater detail and were discounted due to the potential impacts on heritage assets and higher grade agricultural land.

From the information provided it is not the case that we can place significant weight on this being the only potential site for a solar farm of this scale in the district. It is acknowledged that any solar farm would be expected to result in the loss of Grade 1 agricultural land, plus be located to connect to the electricity network, however it has not been proven that there are alternative sites with less landscape visual impact. It is noted however that the proposal should be considered on its own merits, rather than in comparison to hypothetical alternatives for planning purposes.

### *Impacts on Airport*

The potential impact of the solar farm on Manston Airport receptors has been assessed through a Glint and Glare Assessment submitted in support of the application. The airport facilities and flightpaths have been assessed as if they were operational. Glint is predicted along the west final approach flight path for Manston Airport. The assessment finds that whilst glint is predicted during critical flight times it is low intensity glint and therefore the effect would be much less intense than glint from large water bodies and not deemed to have any material impact. There was no glint predicted at the Air Traffic Control Tower.

In the absence of any contradictory information and based on the assessment provided it is considered unlikely that the proposed development would result in safety concerns should the airport reopen.

### **Conclusion**

There is support at both national and local level for the principle of this type of development. The proposal would address climate change issues and support the transition to a low carbon future and weight is given to the significant environmental benefits of the scheme in relation to the creation of renewable energy and this dimension of sustainable development. The benefits associated with renewable energy in terms of health and water conservation are also acknowledged. The scheme would also have considerable biodiversity and ecology benefits in terms of Biodiversity Net Gain and associated green infrastructure enhancements.

However, the environmental harm to the rural undeveloped character of the site and landscape of the area in this highly sensitive and prominent location, in addition to the scale of loss of good agricultural land for the life of the development which is assessed as 40 years, would be highly significant and demonstrable with regard to Thanet Local Plan Policies CC06 and SP26.

Having regard to the information submitted and consultee advice it is considered that subject to safeguarding conditions, the proposed development would not result in harm to neighbouring residential amenities through an unacceptable level of noise or vibration and that air quality and archaeological assets could also be protected. The traffic impacts arising from the scheme are also considered to be acceptable subject to the imposition of safeguarding conditions requiring a range of management plans.

Therefore, this is clearly an extremely balanced case. Taking all of the information submitted in support of the application and the advice of consultees into consideration it is the Officer's view that, on balance, the environmental harm arising from the significant visual impact outweighs the environmental climate change benefits from the provision of renewable energy generation and other benefits, and the identified harm can not be mitigated without resulting in a fundamental change to the landscape character of the area. In addition, as it stands, the application should be refused on the lack of Skylark mitigation as this has not yet been adequately secured through a legal agreement.

It is therefore considered that the proposal would not represent a sustainable development when assessed against the policies of the National Planning Policy Framework and Thanet Local Plan as a whole.

It is therefore recommended that Members refuse the application.

**Case Officer**

Helen Johnson

TITLE: F/TH/23/1209

Project Land East And West Of Hengrove Farm Shottendane Road MARGATE Kent CT9 4NH

