



NEW RIDES SOLAR FARM

Planning and Energy Statement

Energiekontor UK Ltd

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1 INTRODUCTION

Background

- 1.1 This Planning and Energy Statement has been prepared to accompany the submission of a planning application by Energiekontor UK Ltd ("the Applicant") to Swale Borough Council ("SBC") for a solar farm and associated infrastructure (the "Proposed Development") on land at New Rides Farm, 820 Leysdown Road, Eastchurch, Sheerness, Kent, ME12 4DD ("the Site"). The solar panels are to be sited within and adjacent to the Applicant's operational New Rides Wind Farm.
- 1.2 This Planning and Energy Statement sets out details of the Proposed Development and the relevant planning policy context, before providing an appraisal of the Proposed Development against the statutory Development Plan, national energy and planning policy, and other relevant material considerations.
- 1.3 This Planning and Energy Statement should be read in conjunction with the following documents, which form the planning application:
 - Planning Application Forms;
 - A number of environmental reports and surveys:
 - Landscape and Visual Assessment;
 - Glint and Glare Assessment;
 - Archaeology Assessment;
 - Flood Risk Assessment;
 - Ecological Assessment Report; and
 - Agricultural Land Classification Survey.
 - Design and Access Statement; and
 - Statement of Community Involvement.

Site Location and Proposed Development

- 1.4 The Site is located on the Isle of Sheppey (see Figure 1.1), an area of land in north Kent which is separated from the main land by The Swale, a relatively short stretch of river between the River Medway and the North Sea. Most development on the Isle of Sheppey is concentrated to the north-west at the towns of Sheerness, Minster, Halfway House and Queensborough and to the north-east at Leysdown-on-Sea, Warden and Eastchurch. Central and southern parts of the Isle of Sheppey are dominated by marshes and include Elmley National Nature Reserve and The Swale National Nature Reserve.
- 1.5 The Site is located approximately centrally on the Isle of Sheppey on gently sloping agricultural land, approximately 1km to the south of the village of Eastchurch and in proximity to the Sheppey Prison Cluster to the west of the Site, made up of HMP Swaleside, HMP Elmley and HMP Stanford Hill, including clusters of residential properties to the north of the prison cluster. To the south lies marshland associated with the river Swale and the Eastchurch Marshes, whilst to the east of the Site there is an existing solar farm associated

with Old Rides Farm. An additional solar farm, South Lees Solar Farm, lies approximately 3.5km to the north-west of the Site

- 1.6 The solar farm is sited within and adjacent to Energiekontor's operational New Rides Wind Farm, The wind farm consists of four turbines, which were constructed in 2018 and are 125m high to blade tip.

Description of Proposed Development

- 1.7 The Applicant seeks full planning permission for:

“Full planning permission for the installation of a ground mounted photovoltaic (PV) solar energy generation system, associated infrastructure, security measures (including CCTV) and landscaping.”

- 1.8 The Proposed Development would have a generating capacity of up to 10MWp and would comprise the following principal elements:

- Solar Panels – Photovoltaic (PV) arrays, covering approximately 12.3ha;
- Transformers/inverters – A number of transformer and inverter substations at various locations around the arrays within a 6m x 2.5m x 3m high cabinet on a concrete plinth;
- Fencing – Boundary fencing (e.g. deer fencing) around the edge of the proposed panelled area, with access gates and small mammal gates; and
- CCTV – A CCTV system, either pole or fence-mounted, located at strategic points around the panelled area.

- 1.9 The red line planning application boundary is referred to as the 'Site Boundary', shown in Figure 1.2 and is approximately 16.5 ha.

- 1.10 The solar farm would use the existing site tracks and access for New Rides Farm and New Rides Wind Farm off the B2231. This access to the public road is covered under the boundary referred to as 'Land Under Applicants Control', shown on Figure 1.3.

- 1.11 The solar farm would make use of the existing wind farm grid connection, as such no off-site construction works will be required.

- 1.12 The Proposed Development would be operational for a period of up to 35 years, after which the solar panels and associated infrastructure would be removed and the site restored. It is possible that there may be a requirement for micro-siting of some infrastructure following ground investigations and any other pre-construction environmental surveys

Screening

- 1.11 Energiekontor submitted an Environmental Impact Assessment (EIA) Screening Request to Swale Borough Council in August 2020 for an initial layout. The local authority responded with their EIA Screening Opinion in September 2020 and concluded that the project is not likely to result in significant environmental effects, therefore is not considered EIA development and an Environmental Statement is not required.

Purpose of Planning Statement

- 1.12 As the Proposed Development has a generating capacity below 50 MW, its determination will be made by the local planning authority, Swale Borough Council, in accordance with the Town and Country Act 1990.
- 1.13 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that all planning applications, determined locally, should be done in accordance with the Development Plan unless material considerations indicate otherwise.
- 1.14 This Planning and Energy Statement contains an assessment of the Proposed Development against the Development Plan and relevant material considerations, which include the policy framework set out within national energy and planning policy.
- 1.15 A Design and Access Statement (DAS), describing the design approach to the Proposed Development is also submitted with the planning application in accordance with Article 4 of the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013, as the project is considered a 'Major' development.

The Applicant

- 1.16 Energiekontor UK Ltd is a renewable energy development company with offices in Edinburgh, Glasgow and Leeds. The company was formed in 1999 and develops small to medium-sized onshore wind farms throughout the United Kingdom.
- 1.17 Energiekontor UK Ltd is part of the Energiekontor Group. The parent company, Energiekontor AG, was established in 1990 in Bremerhaven in Northern Germany. It has since grown to become one of the leading wind energy companies in Europe and is active in Germany, France, The Netherlands, Portugal, the USA and the UK. The company has built more than 100 onshore wind farms in Europe. In addition to our experience in wind energy, Energiekontor expanded to include solar power in 2010 and since then has constructed 90 MW of solar capacity with a further 200 MW in development. Energiekontor aims to use this experience to expand our solar development portfolio into the UK.

Structure of this Planning and Energy Statement

- 1.18 This Planning and Energy Statement is structured as follows:
 - Section 2 provides a summary of the Proposed Development against the relevant provisions of the Local Development Plan;
 - Section 3 identifies relevant national planning policy and other material considerations and how the Proposed Development relates; and
 - Section 4 identifies renewable energy and Climate Change legislative and policy framework relevant to the Proposed Development; and
 - Section 5 presents the considered planning balance and overall conclusions.

2 LOCAL PLANNING POLICY

Introduction

- 2.1 This section sets out the local planning policy context that is relevant to the Proposed Development.
- 2.2 As previously mentioned, Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Bearing Fruits 2031: The Swale Borough Local Plan, is the current local development plan, adopted 26th July 2017 ("the Swale Local Plan"), which provides spatial strategy and policies for the area.
- 2.3 It should be noted that the Council is currently in the process of preparing a review to the Local Plan, having consulted on its Local Plan Review 2021 Pre-submission Document (Regulation 19) in February 2021. This document sets out the amount and location of new housing and employment development and the planning policies to guide development in the borough for the period 2022 to 2038. This document has been consulted on and now the Council are considering the comments received. Policies relevant to the Proposed Development are in general similar to that of the adopted Local Development Plan. As the Local Plan Review 2021 document is currently in draft the weight that can be attributed to it is limited, and the adopted Local Development Plan should maintain precedence in decision making.
- 2.4 Below, the policies from the adopted Local Development Plan relevant to the Proposed Development are detailed and assessed against the Proposed Development on a topic-by-topic basis:

Principle of Development

Policy Description

- 2.5 **Policy ST 1 Delivering Sustainable Development in Swale** Development proposals will, as appropriate contribute to economic growth, achieve good design, address the challenge of climate change by meeting the challenge of flooding and coastal change and expansion of renewable energy and management of emissions; Developments should also conserve and enhance the built, natural and historic environment, avoid harm to biodiversity and use lower quality of agricultural land.
- 2.6 **Policy DM 20 Renewable and Low Carbon Energy** Permission will be granted for the development of renewable and low carbon energy sources where the impacts of the development are analysed and mitigated as appropriate.
- For schemes on agricultural land, it has been demonstrated that poorer quality land has been used in preference to higher quality. In exceptional cases, where schemes are demonstrated as necessary on agricultural land, that they fully explore options for continued agricultural use;
 - Opportunities to enhance biodiversity are exploited;

- *Landscape, visual and heritage impacts as well as impacts on geology, soils and flood risk, including cumulative impacts, are minimised and mitigated to acceptable levels;*
- *Impacts on residential amenity and safety, including noise, air quality, tranquillity and transport are minimised and mitigated to acceptable levels;*
- *Applications demonstrate evidence of local community involvement and/or leadership;*
- *All relevant plans, policies, appraisals and associated guidance, including landscape appraisals and designations and biodiversity management plans, are referenced in any planning application to ascertain the appropriate type and scale of development for any particular location; and*
- *In cases of temporary planning permission, detailed proposals for the restoration of the site at the end of its functional life are set out as a part of any application.*

Policy Assessment

- 2.7 The development proposes installation of a solar PV farm, which will provide clean energy contributing to mitigation of the climate change challenge by minimising CO2 emissions. The Proposed Development has been subject to a detailed flood risk assessment and it adopts suitable measures to manage the risks of flooding. The Proposed Development is intended to conserve and enhance the natural environment by considering all relevant planning policies and environmental aspects throughout the supporting environmental information and this statement.
- 2.8 For the various environmental assessments carried out for the Proposed Development, following mitigation, aside from a limited number of highly localised effects, no significant effects are predicted for environmental or residential receptors.
- 2.9 The Proposed Development is sited mostly on a grade 3b agricultural land which is considered of lower quality and does not fall into the definition of 'best and most versatile' agricultural land. Nonetheless, the Proposed Development will continue to provide opportunities for grazing.
- 2.10 The Landscape Masterplan and Biodiversity Management Plan that accompany the planning application provide not only enhanced visual screening but also biodiversity net gain as part of the Proposed Development.
- 2.11 Considering the findings of the various environmental reports and the project's contribution towards renewable energy and climate change targets, the Proposed Development is considered to comply with **Policy ST 1 and DM 20**.

Design, Landscape and Visual Considerations

Policy Description

- 2.12 **Policy CP 4 Requiring Good Design** in part advises that proposals should achieve quality design, appropriate to its surroundings. Development will as appropriate make efficient use of natural resources including sensitively utilising landscape features, landscape, biodiversity and climate to maximise energy conservation and amenity. Landscape,

biodiversity and local environments should be preserved and enhanced by considering the local landscape character, retaining trees where possible, providing and managing landscape planting to encourage biodiversity.

- 2.13 **Policy DM 19 Sustainable Design and Construction** seeks that proposals should include measures to address and adapt to climate change and where appropriate incorporate the use of materials and techniques which increase energy efficiency and reduce CO2 emissions; demonstrate contribution to green infrastructure and biodiversity through landscaping; encourage mixed use development and accessibility.
- 2.14 **Policy DM 24 Conserving and Enhancing Valued Landscapes** seeks to protect and enhance the value, character, amenity and tranquillity of the Borough's landscapes.
- 2.15 The Proposed Development is located approximately 0.5km north of an area designated as Area of High Landscape Value Kent level. The Swale Local Plan states that Areas of High Landscape Value (Kent and Swale Level) are designated as significant to Kent or Swale respectively, where planning permission will be granted subject to the: conservation and enhancement of the landscape being demonstrated; and avoidance, minimisation and mitigation of adverse landscape impacts as appropriate and, when significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh harm. The same principles are applicable to non-designated landscapes as per Part B. Whereas for all other landscapes (Part C), the scale, layout, build and landscape design of the development will be informed by a landscape and visual impact assessment..
- 2.16 **Policy DM 29 Woodland, Trees and Hedges** seeks to ensure the protection, enhancement and sustainable management of woodlands, orchards trees and hedges. It will ensure that new development will take reasonable opportunities to provide for new woodland, orchard, tree and hedge planting at a sufficient scale (with provision made for appropriate long term management) to maintain and enhance the character of the locality and provide for an attractive living and working environment; Safeguard protected species and compensate for any loss of trees, hedgerows and woodland.

Policy Assessment

- 2.17 The proposed solar farm will produce negligible emissions once operational and is designed to be as effective as possible in converting solar radiation into electricity. During the operational phase, negligible waste will be produced by the solar park. The Landscape Masterplan and Biodiversity Management Plan associated with the Site also allows the Proposed Development to fulfil an important role in the green infrastructure network, as well as providing biodiversity net gain. As such the Proposed Development complies with **Policy CP 4, DM 19 and DM 29**.
- 2.18 Following the provisions of policy DM 24 the effects of the Proposed Development on Landscape and Visual amenity have been assessed as part of the Landscape and Visual Assessment. The assessment concludes that the total extent of the landscape and visual effects would be localised and limited in nature. In addition, a Glint and Glare Assessment was prepared which concluded that no significant impacts upon surrounding road users and dwellings have been identified, and mitigation is therefore not required (however

some additional screening/hedgerow planting is proposed. As such the Proposed Development is considered to fully comply with **Policy DM 24**.

Ecology and Ornithology

Policy Description

- 2.19 **Policy CP 7 Conserving and enhancing the natural environment** states that development proposals should ensure that there is no adverse effect on the integrity of a SAC, SPA or Ramsar site, alone or in combination with other plan and projects.
- 2.20 **Policy DM 28 Biodiversity and Geological Conservation** in essence advises that proposals will conserve, enhance and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated. The policy sets requirements for all proposals to have regard to national planning policy in respect of preservation of habitats and species, be accompanied by appropriate surveys, and provide net gain of biodiversity where possible.

Policy Assessment

- 2.21 An Ecological Assessment has been prepared as part of the application. It is considered that the integrity of designated sites and the conservation status of habitats and species will remain unaffected by the Proposed Development when considered in combination with other developments that are not part of the current baseline, and that there will be no significant adverse cumulative effects. As such, the Proposed Development is considered to comply with **Policy CP 7**.
- 2.22 The Proposed Development is located outside of any ecologically important sites designated nationally or by Swale Borough Council. The effects of the Proposed Development on ecology and biodiversity have been assessed as part of the Ecological Assessment. In addition, management practices are proposed that will enhance the Site for the benefit of local wildlife. The design and long-term management of the land seeks to maintain and improve functionality through protecting and enhancing potentially important wildlife corridors i.e. through new hedgerow creation and infill planting to strengthen existing hedgerows within and around the Site.
- 2.23 The inclusion of pockets of scrub within the Site will also serve to increase the biodiversity value of the Site as well as increasing the potential breeding, foraging and hibernating habitats for nesting birds and protected species.
- 2.24 Furthermore, the replacement of any lost tussocky grassland created as part of the New Rides Wind Farm HMP will serve to avoid any loss of suitable reptile habitat and avoid any breach of previously agreed HMP conditions.
- 2.25 Overall these measures will provide a biodiversity net gain for the site. As such, the development is considered to comply with **Policy DM 28**.

Cultural Heritage and Archaeology

Policy Description

2.26 **Policy CP 8 Conserving and enhancing the historic environment** states that development should sustain and enhance the significance of designated and nondesignated heritage assets to sustain the historic environment whilst creating for all areas a sense of place proposals will, as appropriate:

- Accord with national planning policy in respect of heritage matters, together with any heritage strategy adopted by the Council;
- Sustain and enhance the significance of Swale's designated and non-designated heritage assets and their settings in a manner appropriate to their significance and, where appropriate, in accordance with Policies DM30-DM34;
- Respond to the integrity, form and character of settlements and historic landscapes;
- Respond positively to the conservation area appraisals and management strategies prepared by the Council; and
- Respect the integrity of heritage assets, whilst meeting the challenges of a low carbon future.

Policy Assessment

- 2.27 A desk-based archaeological assessment has been carried out for the Proposed Development. The Proposed Development is not considered to impact on any designated archaeological assets, either directly or indirectly. One Scheduled Monument (Shurland House) was identified in the Outer Study Area and was assessed for potential indirect effects, it is considered that there would be no change to the setting of Shurland Hall and no loss of significance, or harm to the significance, of the asset.
- 2.28 An non-designated asset (WWII pillbox) is located within the Site. An appropriate buffer distance has been applied to this asset to avoid any direct effects from the Proposed Development.
- 2.29 Past development impacts on the Site are anticipated to have been relatively light and the land may preserve sub-surface archaeological remains. However, it should be noted that archaeological investigations for New Rides Wind Farm involved trial trenching and this revealed no significant remains. A nearby solar farm (Old Rides Farm) was subject to monitoring by an archaeologist and again revealed no significant remains. Therefore, while there are conditions suitable for the preservation of remains, it should be noted that for most periods there is considered to be a low potential for remains.
- 2.30 Given the above information it is considered that the Proposed Development complies with **Policy CP 8**.

Noise and Vibration

Policy Description

- 2.31 **Policy DM 20 Renewable and Low Carbon Energy** in part advises that permission will be granted where impacts of the Development on residential amenity and safety by virtue of noise are minimised and mitigated to acceptable levels.

Policy Assessment

- 2.32 Solar farms are passive and do not include moving parts that generate noise. Concerns can sometimes be raised regarding noise from the cooling fans of the inverters required on-site, however these are housed within cabinets which deaden the noise to a very low level. As such, no detrimental effects to residential amenity are predicted and thus the Proposed Development is considered to comply with **Policy DM 20**, in terms of noise.

Hydrology and Flood Risk

Policy Description

- 2.33 **Policy DM 21 Water, Flooding and Drainage** advises that development proposals should:
- Avoid inappropriate development in areas at risk of flooding and where development would increase flood risk elsewhere;
 - Provide site specific flood risk assessments;
 - Include, where possible, sustainable drainage systems;
 - Integrate drainage measures within the planning and design of the project;
 - Protect water quality, including safeguarding ground water source protection zones from pollution, to the satisfaction of the Environment Agency.

Policy Assessment

- 2.34 A Flood Risk Assessment and Drainage Statement has been prepared for the Proposed Development. The assessment demonstrates that the Site is not at a significant level of flood risk from any of the sources of flood hazards assessed and that the Proposed Development will not increase flood risk elsewhere. Appropriate mitigation and flood management measures have been recommended for the Proposed Development. As such, the Proposed Development is considered to comply with **Policy DM 21**.

Access, Traffic and Transport

Policy Description

- 2.35 **Policy DM 3 Rural Economy** in part advises that permission will be granted where new rural based development avoids scales of generation of traffic incompatible with the rural character of the area, having regard to Policy DM 6 and Policy DM 26.

2.36 **Policy DM 14 General Development Criteria** in part advises that, as appropriate, proposals will achieve safe vehicular access.

2.37 **Policy DM 26 Rural Lanes** states that permission will not be granted where development would either physically or as a result of traffic levels significantly harm the character of rural lanes. For those rural lanes shown on the Proposals Map, development proposals should have particular regard to their landscape, amenity, biodiversity, and historic or archaeological importance.

Policy Assessment

2.38 The solar farm would use the existing site tracks and access for New Rides Farm and New Rides Wind Farm off the B2231. As this access was designed to accommodate large wind turbine blades, it will be appropriate for much smaller solar farm components. The Proposed Development will not physically or as a result of traffic levels harm the character of nearby rural lanes or character of the area. As such, the Proposed Development is considered to comply with **Policy DM 3, DM 14 and DM 26**.

Agricultural Land Classification

Policy Description

2.39 **Policy DM 31 Agricultural Land** advises that development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. Development on best and most versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless:

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

Policy Assessment

2.40 As set out in the accompanying Agricultural Land Classification Report, the majority of the Site (98%) comprises Grade 3b agricultural land (with the remaining land being hardstanding and farm tracks ('other land')). Such land does not form Best and Most Versatile Land, and is considered of lower agricultural quality. In addition, subject to agreement with landowner, the site is capable of being used for sheep grazing during the operational life. The need for the development cannot be met on land within the built-up area, due to its size and function. As such, the Proposed Development is considered to comply with **Policy DM 31**.

Air Quality

Policy Description

- 2.41 **Policy DM 20 Renewable and Low Carbon** in part advises that permission will be granted for renewable energy schemes where impacts on residential amenity and safety including air quality, tranquillity and transport are minimised and mitigated to acceptable levels

Policy Assessment

- 2.42 Air quality during the construction phase would be managed through appropriate construction management practices. With the operational phase only generating a very small amount of polluting emissions during the operational phase (mainly through maintenance vehicles visiting the Site). As such, the Proposed Development is considered to comply with **Policy DM 20**, in relation to air quality.

Miscellaneous

Policy Description

- 2.43 **Policy DM 14 General Development Criteria.** As appropriate, proposals will:
1. Accord with the policies and proposals of the adopted Development Plan unless material considerations indicate otherwise;
 2. Include information sufficient to enable the Council to determine the application in conjunction with the Council's published Local List of requirements;
 3. Accord with adopted Supplementary Planning Documents and Guidance;
 4. Respond to the constraints and opportunities posed from climate change and natural processes;
 5. Reflect the positive characteristics and features of the site and locality;
 6. Conserve and enhance the natural and/or built environments taking in to account the desirability of sustaining and enhancing the significance of heritage assets;
 7. Be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location;
 8. Cause no significant harm to amenity and other sensitive uses or areas;
 9. Provide for an integrated landscape strategy that will achieve a high standard landscaping scheme that informs the earliest stages of a development proposal; and
 10. Achieve safe vehicular access.

Policy Assessment

- 2.44 The Proposed Development complies with **Policy DM 14** as it has been assessed to conform to all the relevant planning policies throughout the topic specific sections above.

3 NATIONAL PLANNING POLICY AND OTHER MATERIAL CONSIDERATIONS

Introduction

- 3.1 This section sets out the national planning policy context that is relevant to the Proposed Development, as well as, other material considerations. Relevant policy and material considerations are set out below:

National Planning Policy

- National Planning Policy Framework (February 2019);
- National Planning Practice Guidance (various revisions, first published March 2014); and
- EN-1: Overarching National Policy Statement for Energy (July 2011);
- EN-3: National Policy Statement for Renewable Energy Infrastructure (July 2011); and

Other Material Considerations

- Climate Emergency; and
- Written Ministerial Statements.

- 3.2 Against each relevant policy the development proposals are assessed.

National Planning Policy

National Planning Policy Framework (NPPF), 2019

- 3.3 The revised NPPF was published in February 2019 and sets out the Government's planning policies for England and how these are expected to achieve sustainable development. Section relevant to the Proposed Development are discussed below.
- 3.4 Paragraph 8 states that achieving sustainable development is comprised of three objectives which includes, in part c, "mitigating and adapting to climate change, including moving to a low carbon economy."
- 3.5 In Section 14 of the Framework, 'Meeting the challenge of climate change, flooding and coastal change', paragraph 148 states that *"The planning system should support the transition to a low carbon future in a changing climate...and support renewable and low carbon energy and associated infrastructure."*
- 3.6 Paragraph 153 states:
- "When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for*

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

- 3.7 Paragraph 154 confirms that, in determining an application for renewable energy development, there is not a requirement for applicants to demonstrate the overall need for renewable or low carbon energy and LPAs are required to recognise that small-scale renewable schemes provide a valuable contribution to cutting greenhouse gas emissions. It is also confirmed that LPAs should approve applications for renewable energy generation if its impacts are (or can be made) acceptable.
- 3.8 The generation of renewable energy reduces reliance on non-renewable energy sources, particularly by businesses, and therefore the Proposed Development could help cut greenhouse gas emissions from major electricity users.

National Planning Practice Guidance (NPPG), first published 2014

- 3.9 The Government's NPPG website went live on 6th March 2014 and contains guidance on the planning system and has been subject to updating periodically. The web-based guidance should be read alongside the NPPF and is a material consideration in the consideration of planning applications.
- 3.10 Renewable and Low Carbon Energy is one of the chapters in the NPPG. The Guidance states that, for large scale ground-mounted solar PV development, considerations will include:

"encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value."
- 3.11 The Proposed Development is located on agricultural land and in this instance the NPPG advises that:

"where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use."
- 3.12 As set out in the accompanying Agricultural Land Classification Report, prepared by Land Research Associates, the majority of the Site (98%) comprises Grade 3b agricultural land (with the remaining land being hardstanding and farm tracks ('other land')). Such land does not form Best and Most Versatile Land for the purposes of the NPPG.
- 3.13 In addition, subject to agreement with landowners, the site is capable of being able to be used for sheep grazing during the operational life.

- 3.14 In terms of the visual impact of the Proposed Development, the NPPG goes on to advise that one of the factors a LPA will need to consider is:

"...the effect of glint and glare and on neighbouring uses and aircraft safety."

- 3.15 As set out in the accompanying Glint and Glare Study, prepared by Pager Power, no significant impacts upon surrounding road users and dwellings have been identified, and mitigation is therefore not required. In addition, it is well established that solar panels do not adversely affect aircraft safety as demonstrated by the use of ground mounted solar panels at airports in the UK.

- 3.16 Other factors to consider according to the NPPG are advised to include:

"The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun."

- 3.17 The solar arrays proposed with this development are to be in a fixed position which will not follow the movement of the sun. As such, this matter is not relevant to the consideration of this planning application.

"The need for, and impact of, security measures such as lights and fencing."

- 3.18 Perimeter fencing is required to limit access to the Proposed Development for security reasons to prevent unauthorised access and also for public safety. The selected fencing, 2m wire mesh 'deer fence', is the minimum possible height for its purpose and its design would be appropriate in the site's context to limit its visual impact when compared to alternative fencing designs such as palisade fencing.

- 3.19 A CCTV system, either pole or fence-mounted, located at strategic points around the panelled area.

"The potential to mitigate landscape and visual impacts through, for example, screening with native hedges."

- 3.20 The application is accompanied by a landscape masterplan which details the proposed planting to supplement what is already on site.

- 3.21 The vegetative screening coupled with the undulating landform in the surrounding area would help screen the proposed solar farm and its infrastructure.

- 3.22 The LVIA accompanying the planning application demonstrates that the total extent of the landscape and visual effects would be localised and limited in nature.

"The energy generating potential, which can vary for a number of reasons, including latitude and aspect."

- 3.23 Taking into consideration the latitude of the site, its aspect and the topography of the land, this proposal represents a significant local contribution to meeting national targets for renewable energy generation.

- 3.24 It is therefore demonstrated that this proposal is acceptable when judged against the criteria set out in the NPPG in relation to the development of a large scale ground mounted solar PV farm.

EN-1: Overarching National Policy Statement for Energy (July 2011)

- 3.25 EN-1 was published in July 2011 to set out national policy for energy infrastructure in the UK. Its primary purpose is to be applied to decisions for Nationally Significant Infrastructure Projects, but it is confirmed that this document can be a material consideration in the determination of planning applications.
- 3.26 Paragraph 3.4.1 sets out the UK commitments to sourcing 15% of energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, EN-1 states that:

"It is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable energy electricity generation projects is therefore urgent."

- 3.27 The National Policy Statement sets out how the energy sector can help deliver the Government's climate change objectives by clearly setting out the need for new low carbon energy infrastructure to contribute to climate change mitigation.

EN-3: National Policy Statement for Renewable Energy Infrastructure (July 2011)

- 3.28 EN-3 was also published in July 2011 and sets out the national policy for renewable energy projects. EN-3 should be read in conjunction with EN-1.
- 3.29 Similar to EN-1, EN-3 sets out the importance of renewable energy in achieving the Government's ambitious targets for renewable energy generation.

Other Material Considerations

Climate Emergency

- 3.30 The UK and devolved governments recently declared a climate emergency. The declarations provide a clear signal of the challenges and urgent response needed to combat climate change.
- 3.31 In addition to this, in June 2019 Swale Borough Council joined a growing number of local authorities by declaring a Climate and Ecological Emergency. The declaration set out carbon relevant goals for the council, including reducing the Council's operations to be carbon neutral by 2025 and for the borough to be carbon neutral by 2030.
- 3.32 This action and targets are a statement of the local spirit to combat climate change, in which the Proposed Development can play an important role.

Written Ministerial Statements

Written Ministerial Statement on Solar Energy: Protecting the local and Global Environment (March 2015)

- 3.33 This Written Ministerial Statement is referred to in the NPPG.
- 3.34 Eric Pickles (Secretary of State) in March 2015 made a statement on Solar Energy and protection of the global and local environments. In respect of the use of agricultural land, Mr Pickles stated that compelling evidence needed to be provided for solar on Best and Most Versatile Agricultural Land.
- 3.35 This application has demonstrated the land quality as part of the supporting report prepared by Land Research Associates as forming Grade 3b land. Such land does not form Best and Most Versatile Agricultural Land and therefore accords with the Written Ministerial Statement.

Speech by the Rt Hon Gregory Barker MP to the Large-Scale Solar Conference (April 2013)

- 3.36 This speech is referred to in the NPPG and relates to the need for solar PV and placing it at the heart of the UK's energy mix.
- 3.37 The speech also refers to the Ministers desire to 'see a lot, lot more' but that as 'we take solar to the next level, we must be thoughtful, sensitive to public opinion and mindful of the wider environmental impacts.'
- 3.38 The NPPG generally reflects this approach of encouraging and requiring large scale solar schemes to be developed in a sustainable manner. The Minister's speech is not policy as such.
- 3.39 This application has considered potential environmental impacts through various assessments.

4 RENEWABLE ENERGY AND CLIMATE CHANGE LEGISLATIVE AND POLICY FRAMEWORK

Introduction

- 4.1 This section provides an overview of the renewable energy and climate change legislative and policy framework that is relevant to the Proposed Development. It covers relevant international and UK documents.

International and European Energy Policy

International Agreements and Obligations – The COP21 UN Paris Agreement

- 4.2 The Paris Agreement (December 2015) is an international agreement on climate change, of which there are 195 countries, including the UK.
- 4.3 The Agreement came into force on November 4th 2016, having been ratified by at least 55% (the point which triggers ratification) of the 195 countries.
- 4.4 The meeting in Paris was considered a make-or-break opportunity to secure an international agreement on the approach to tackling climate change, commitment to a longer-term goal of near zero net emissions in the second half of the century, and supporting the transition to a clean economy and low carbon society.
- 4.5 Governments agreed:
- A long-term goal of keeping the increase in global average temperature to well below 2°C above pre-industrial levels.
 - To aim to limit the increase to 1.5°C, since this would significantly reduce risks and the impacts of climate change.
 - On the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries.
 - To undertake rapid reductions thereafter in accordance with the best available science.
- 4.6 Countries will also be legally obliged to make new post-2030 commitments to reduce emissions every five years.

Key EU Policy Targets

- 4.7 In January 2008 the European Commission (EC) published a '20-20-20' targets package. This included proposals for:
- A 20% reduction in primary energy use compared with projected levels, to be achieved by improving energy efficiency.
 - A reduction in the EU's greenhouse gas emissions of at least 20% below 1990 levels; and

Increasing the proportion of final EU energy consumption from renewable sources to 20%.

- 4.8 These targets are to be achieved by 2020, as set out in the EU Renewable Energy Directive (March 2009). The 20% split is between Member States. For the UK, the EC's obligations include 16% reduction in UK greenhouse gas emissions by 2020 and for 15% of all energy consumed in the UK to come from renewable sources by 2020.

United Kingdom Energy Policy

- 4.9 The UK response to global warming can be traced through a series of papers and measures since the Energy Paper 55 of 1988, and the Electricity Act of 1989. Ultimately, the UK Government retains control of the overall direction of energy policy including the attainment of national targets on renewable energy generation. Initial targets of 5% and 10% by 2010 were followed by a target for the whole of the UK of 20% of electricity from renewable sources by 2020.

UK Renewable Energy Strategy (2009)

- 4.10 The UK Renewable Energy Strategy (UKRES) sets out the means by which the UK can meet the legally binding target of 15% of energy consumption from renewable sources by 2023. It presents a 'lead scenario' that more than 30% of electricity should be generated from renewables by 2020.
- 4.11 A key element of the Strategy is that it sets out the EU requirement that progress will be reported to the EU every two years, in terms of the achievement of delivery against the trajectory set for the 2020 target. The purpose of the milestone reporting is to ensure that a trajectory is maintained towards 2020.
- 4.12 Under the Directive, the UK has interim targets to achieve the following shares for renewables in the energy mix as follows:
- 7.5% in 2015 – 2016.
 - 10.2% in 2017 – 2018.
- 4.13 The documents make it clear that the Devolved Administrations have a leadership role to undertake. The Strategy was published by the UK Government; however, the policies to meet the 2020 targets will be taken forward in England, Scotland and Wales.

UK Renewable Energy Roadmap Update (2013)

- 4.14 The Government first published the Renewable Energy Roadmap in July 2011; which sets out the path to achieve the UK's headline renewable energy target. Paragraph 1 of the November Update reaffirms the UK Government commitment towards the delivery of renewable energy.
- 4.15 The Roadmap has been updated on two occasions since July 2011, once in 2012 and most recently in November 2013. The update sets out the progress that has been made against

the 15% target introduced in the 2009 EU Renewable Energy Directive and provides an overview of development that has occurred in the sector.

- 4.16 The opening Ministerial Statement to the Update identifies how the Government remains strongly committed to cost effective renewable energy as part of a diverse, low-carbon and secure energy mix. The Minister concludes by emphasising how the Update to the Renewable Energy Roadmap has been produced in collaboration with other Government Departments and Devolved Administrations.

The UK's Sixth Carbon Budget

- 4.17 The Committee on Climate Change (CCC) published their advice on the UK's Sixth Carbon Budget 'The UK's path to Net Zero' in December 2020. The Report was presented to the Secretary of State pursuant to section 34 of the Climate Change Act 2008. The CCC advises the UK Government on setting and meeting carbon budgets and preparing for climate change.
- 4.18 The CCC recommended that the UK sets a Sixth Carbon Budget to require a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990, a 63% reduction from 2019. This is considered to be a world-leading commitment, placing the UK decisively on the path to Net Zero by 2050 at the latest, with a trajectory that is consistent with the Paris Agreement. Also recommended was a similarly ambitious 2030 pledge, to reduce emissions by at least 68% from 1990, as part of the UK's nationally determined contribution (NDC) to the UN process.
- 4.19 CCC identify four key areas which require action in order to meet the Sixth Carbon Budget:
- Reducing demand for carbon-intensive activities.
 - Take-up of low-carbon solutions.
 - Expansion of low-carbon energy supplies.
 - Land (and removals).
- 4.20 Under the CCC's Balanced Pathway scenario (moderate assumptions on behavioural change and innovation) the low-carbon share of electricity increases from 50% now to 100% by 2035. This doubling will require a significant new generation, of which the Proposed Development can play a part.
- 4.21 In April 2020, the UK Government accepted the commitment set out in the Sixth Carbon Budget to reduce emissions by 78% by 2035 compared to 1990 levels.

UK 2050 Net Zero Target

- 4.22 In June 2019 the UK became the first major economy in the world to pass laws to end its contribution to global warming by 2050. The target will require the UK to bring all greenhouse gas emissions to net zero by 2050, compared with the previous target of at least an 80% reduction from 1990 levels.

Conclusions on UK Energy Policy

- 4.23 UK energy policy, as summarised above is a reserved matter and remains the responsibility of the UK Government. At a UK level there are clear renewable energy, electricity and carbon emissions saving targets for both the medium-term (2035) and long-term (2050).
- 4.24 The Government acceptance of the UK's Sixth Carbon Budget has introduced further certainty for the low carbon economy. It sends a strong signal that the UK intends to stay on track in meeting its long-term climate change targets, as well as showing further ambition in the medium-term, to accelerate a low carbon transition. Delivery is now needed and the Proposed Development can contribute towards these ambitious targets.

Summary

- 4.25 The scale of the threat we face through climate change is widely acknowledged by governments across the world, with many declaring a climate emergency. Everyone has a role to play in this global climate emergency, including businesses and local authorities. Extremely challenging targets have been set for decarbonising the economy.
- 4.26 It is evident that there remains a strong policy drive to continue to develop renewable energy. International and national commitments have been made to address the effects of climate change and to achieve greater security in the domestic supply of energy.
- 4.27 The Proposed Development would make a valuable contribution to Government policy objectives and targets.

5 PLANNING BALANCE AND CONCLUSIONS

Summary and Conclusions

- 5.1 The Applicant is proposing to develop a solar farm at New Rides Wind Farm on the Isle of Sheppey.
- 5.2 The Proposed Development has been fully considered against all the relevant National and Local Planning Policies as detailed in the sections above.
- 5.3 There are forceful material considerations that lend support to the case that planning permission should be granted for the reasons explained above. A key consideration in this regard is the presumption in favour of sustainable development as set out in NPPF, in which the Proposed Development clearly constitutes
- 5.4 It is important that developments which are acceptable in planning terms are granted consent. The Proposed Development has been brought forward by the Applicant as a direct response to national energy and planning policies, and targets. The overall aim of these policies are clear.
- 5.5 Accordingly, we respectfully consider that planning permission should be granted for the Proposed Development.

APPENDIX 1 – FIGURES

New Rides Solar

Office England:
4330 Park Approach
Leeds
LS15 8GB

Office North Scotland:
11 Somerset Place
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G3 7JT

Office South Scotland:
31 Dewar Place Lane
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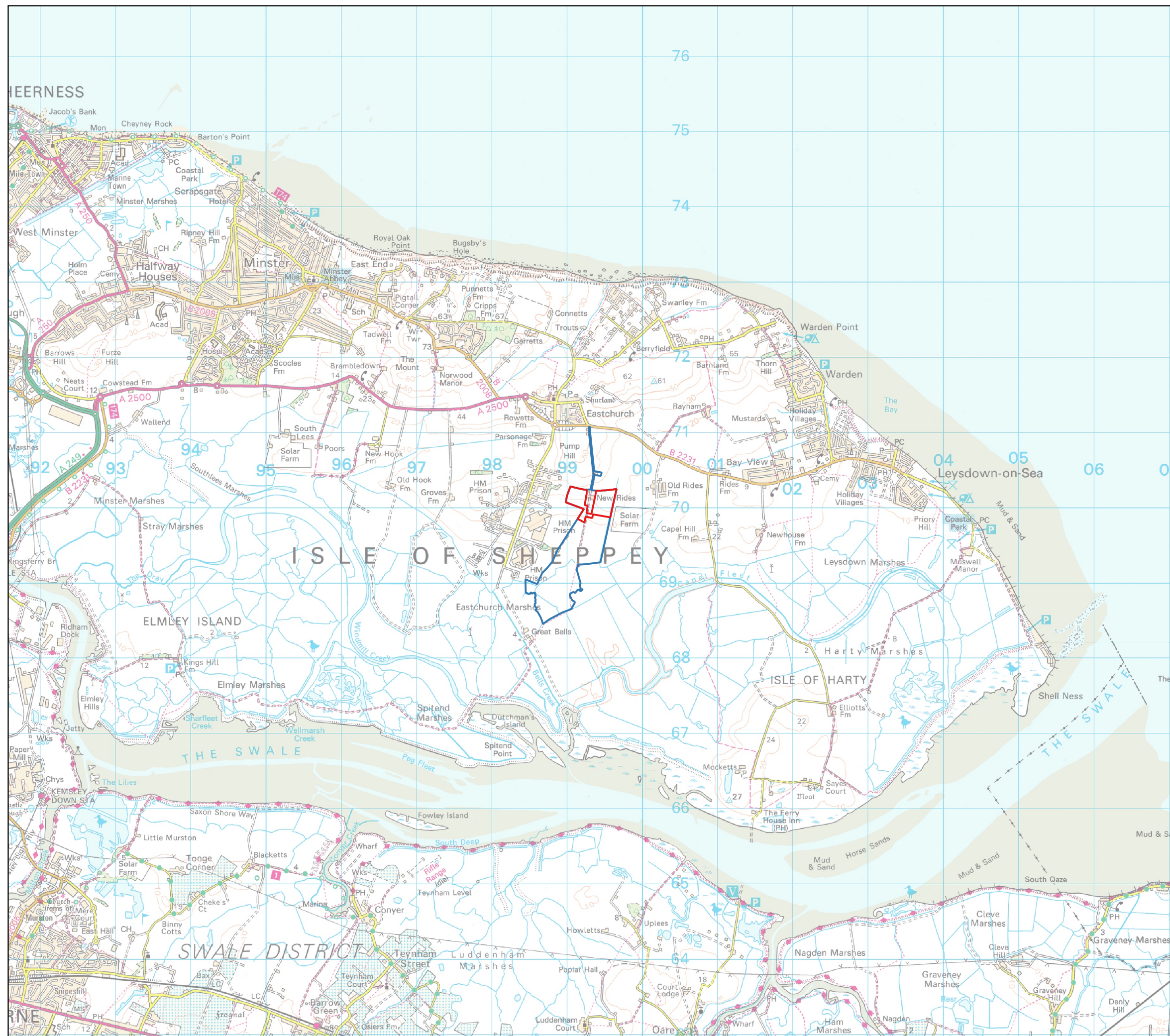
T: +44 (0)131 600 0852

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Figure 1.1 - Site Location

Key:

- Site Boundary
- Land Under Applicants Control

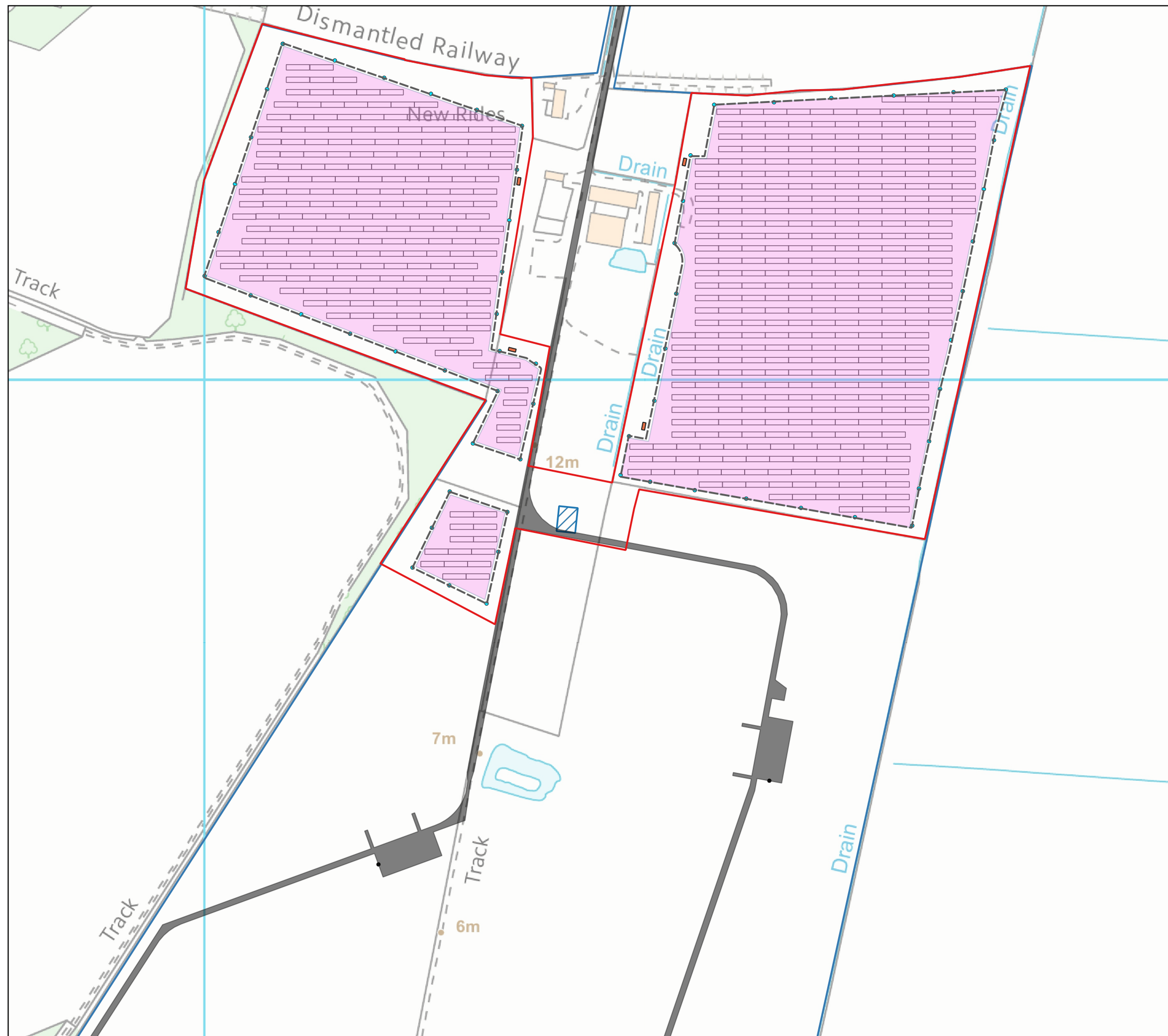


0 1 2 km



Drawn by: FB Scale: 1:50,000 @ A3 Date: 07/06/2021 Revision: 1

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Figure 1.2 - Site Layout

Key:

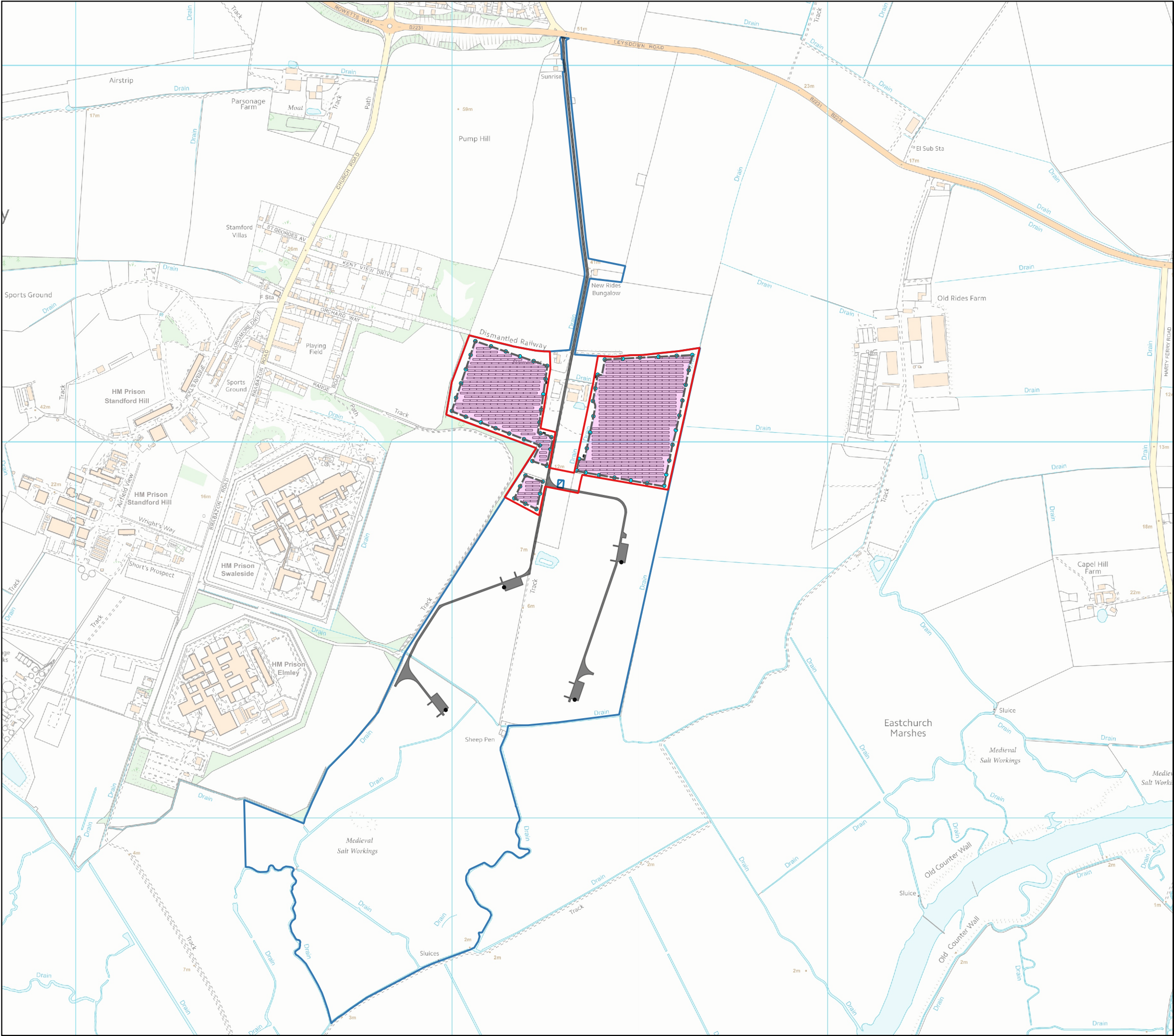
-  Site Boundary
-  Land Under Applicants Control
-  Development Parcels-Represent Maximum Area for siting of Solar Panels
-  Indicative Solar PV Array Layout
-  Indicative Transformer Location
-  Fencing
-  Proposed CCTV Camera Location
-  Existing Wind Farm Substation
 -  Existing Wind Farm Turbines
-  Existing Wind Farm Access Tracks and Hardstanding

0 50 100 m



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Figure 1.3 - Site Layout with Access

- Key:**
- Site Boundary
 - Land Under Applicants Control
 - Development Parcels-Represent Maximum Area for siting of Solar Panels
 - Indicative Solar PV Array Layout
 - Indicative Transformer Location
 - Fencing
 - Proposed CCTV Camera Location
 - Existing Wind Farm Substation
 - Existing Wind Farm Turbines
 - Existing Wind Farm Access Tracks and Hardstanding

0 250 500 m



Drawn by: FB Scale: 1:10,000 @ A3 Date: 02/06/2021 Revision: 2

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