

SECTION C
MINERALS AND WASTE MANAGEMENT

Background Documents - the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item C1

Installation of a ground mounted solar photovoltaic (PV) array and associated infrastructure on land at Offham Landfill Site, Teston Road, Offham, West Malling, Kent, ME19 5PF - TM/21/1259 (KCC/TM/0090/2021)

A report by Head of Planning Applications Group to Planning Applications Committee on 15 June 2022.

Application by Infinis Solar Developments Ltd for the installation of a ground mounted solar photovoltaic (PV) array and associated infrastructure on land at Offham Landfill Site, Teston Road, Offham, West Malling, Kent, ME19 5PF - TM/21/1259 (KCC/TM/0090/2021)

Recommendation: Permission be granted subject to legal agreement and conditions.

Local Member: Sarah Hohler

Unrestricted

Site description

1. The site is located within the boundary of the Offham Quarry, a former landfill site which no longer accepts waste and has been capped and is restored in accordance with planning permission reference TM/09/1888. The total area of the site is approximately 19.05 hectares (ha) (application blue line area), and the site topography falls west to east, with elevations ranging from approximately 83 metres (m) to 104m AOD. Teston Road runs parallel along the northern part of the site with Comp Lane running parallel along the southern part of the site.
2. The site is located approximately 350m southwest of the village of Offham, there are a few isolated properties closer than this, with the closest being circa 200m away. All these are separated by an intervening belt of woodland and agricultural land. A derelict property adjoins the site in the northwest corner facing on to Teston Road. Behind this property is a small landfill gas fired power station with associated emission stacks.
3. The site is in close proximity to a Public Right of Way (PROW), which runs immediately adjacent to the western and northern site boundaries. There are also two Conservation Areas, Offham Conservation Area located 150m east of the site and the Aldon Conservation Area located 300m north of the site. The village of Wrotham Heath is located approximately 900m northwest of the site and Addington is located approximately 1.4 kilometres (km) northeast of the site. A commercial crop growing enterprise which makes use of poly tunnels and covering an area similar to the site is established to the immediate west of the site.
4. There are no national landscape designations within 1km of the site, with the closest being the Kent Downs Area of Outstanding Natural Beauty which is located 1.75km northwest of the site, beyond the M20 motorway. The site is located within the Metropolitan Green Belt designation, Hook Wood, which is a parcel of land located

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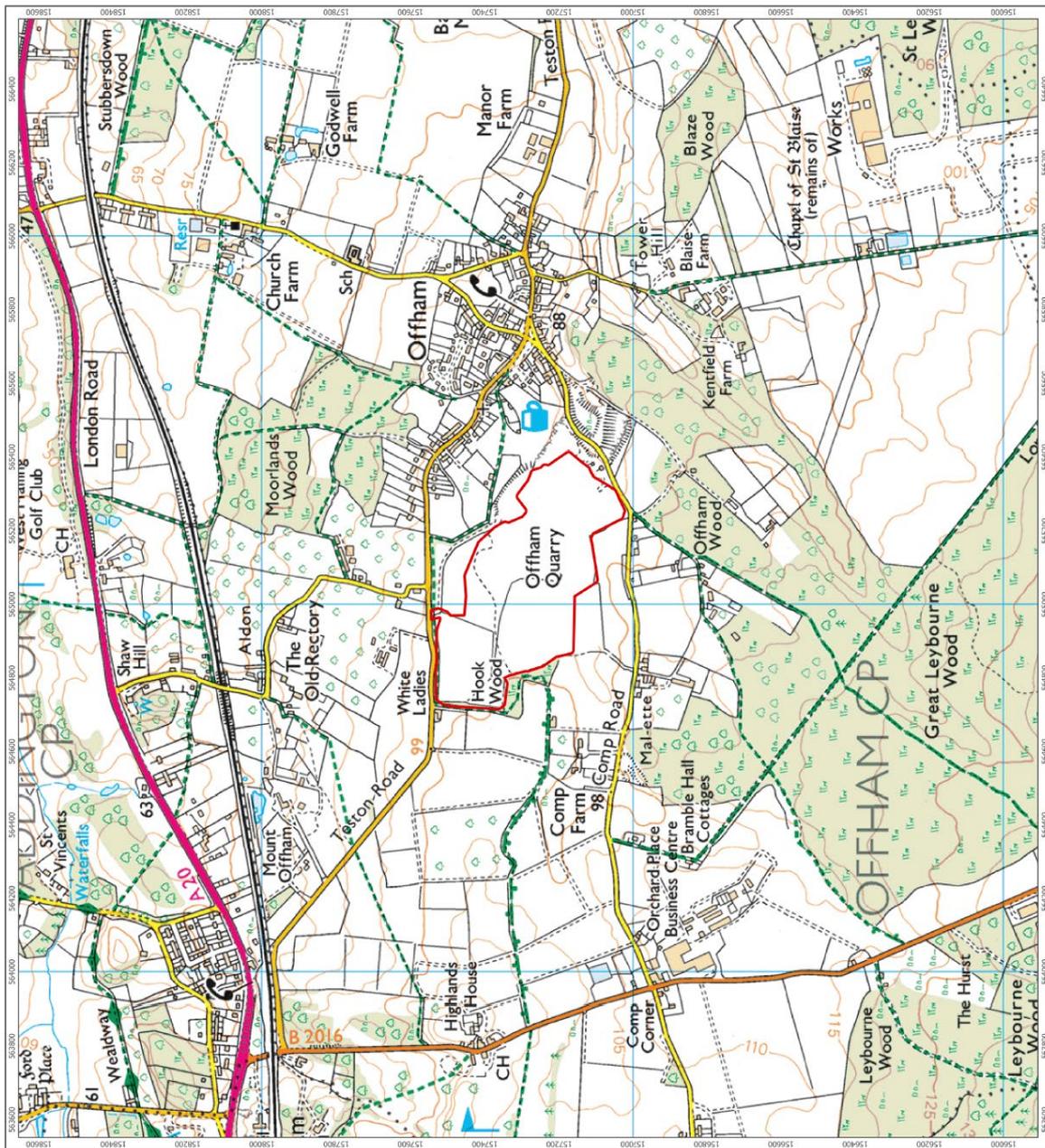
adjacent to the site to the west, is designated as Ancient Woodland. There are no internationally or nationally designated ecological sites, or Local Wildlife Sites within 1 km of the site. The site is located within the Greensand Fruit Belt - Malling Landscape Character Area and adjoins the Mereworth Woodlands Landscape Character Area to the south. The site is located within Flood Zone 1 in an area described as having 'low probability' of flooding.

5. Access to the site is proposed off Teston Road to the north, providing connectivity to the A20 (1.20km to the northwest) and the M20 and M26 (junction 2A of the M26 is located 2km to the northwest). It is proposed that existing landfill access roads will be used wherever possible.
6. Landfill gas and leachate management currently takes place on the site in accordance with an Environmental Permit regulated by the Environment Agency. Infrastructure associated with this activity is spread across the site. It is not proposed that the development would interfere with this infrastructure and this operation would continue as it does currently.

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Site Location Plan

	 Planning Application Boundary	1:10,000 Scale @ A3  Produced By: EL Checked By: Ref: 3765-REP-014 Date: 22/03/2021	Site Location Planning Drawing 1 Offham Solar Park Planning Application
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Site Layout Plan

Received - 11 November 2021
Planning Applications Group

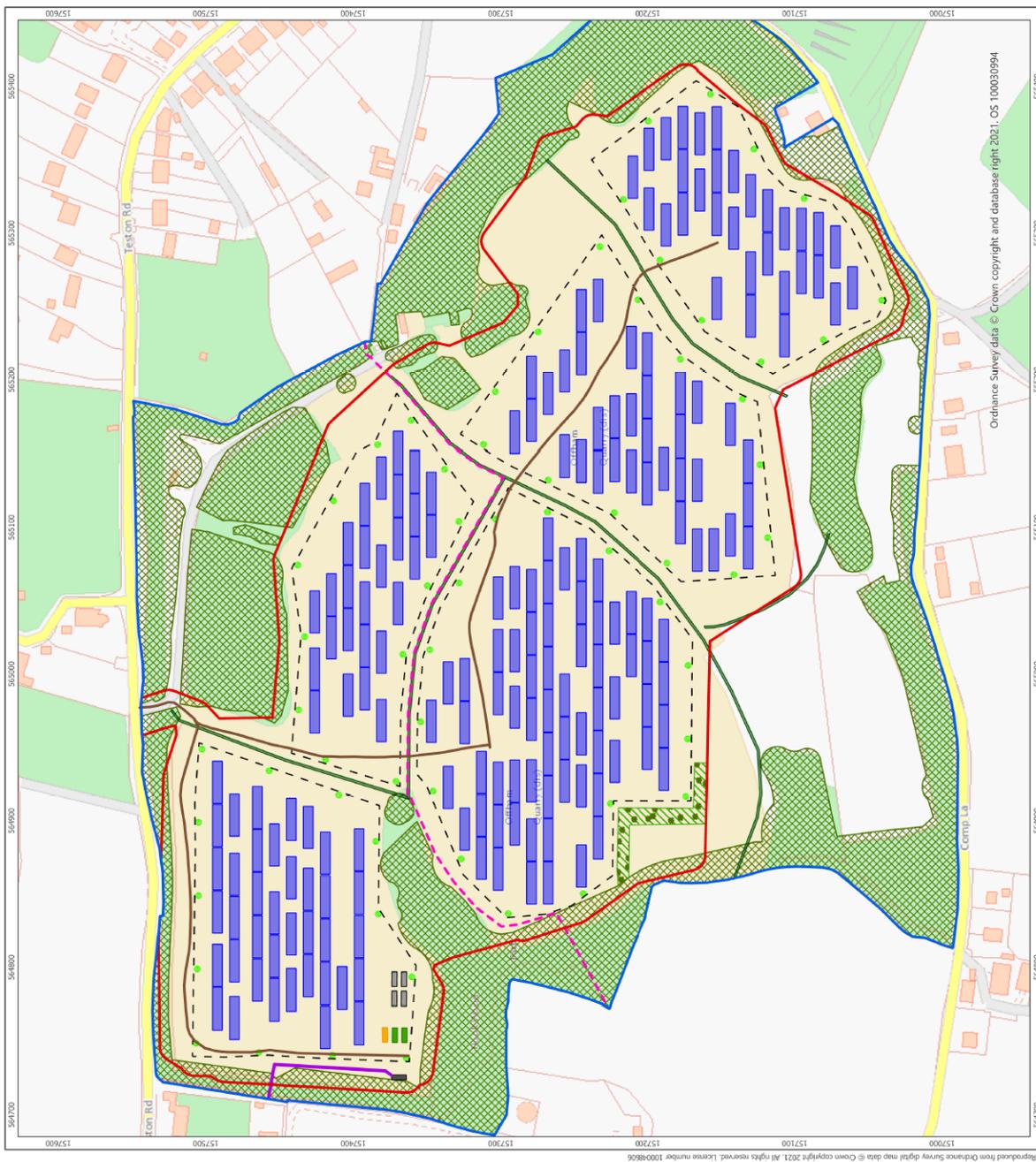


1:2,500 Scale @ A3



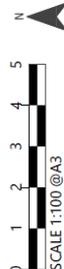
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Checked By: AaM Date: 03/11/2021

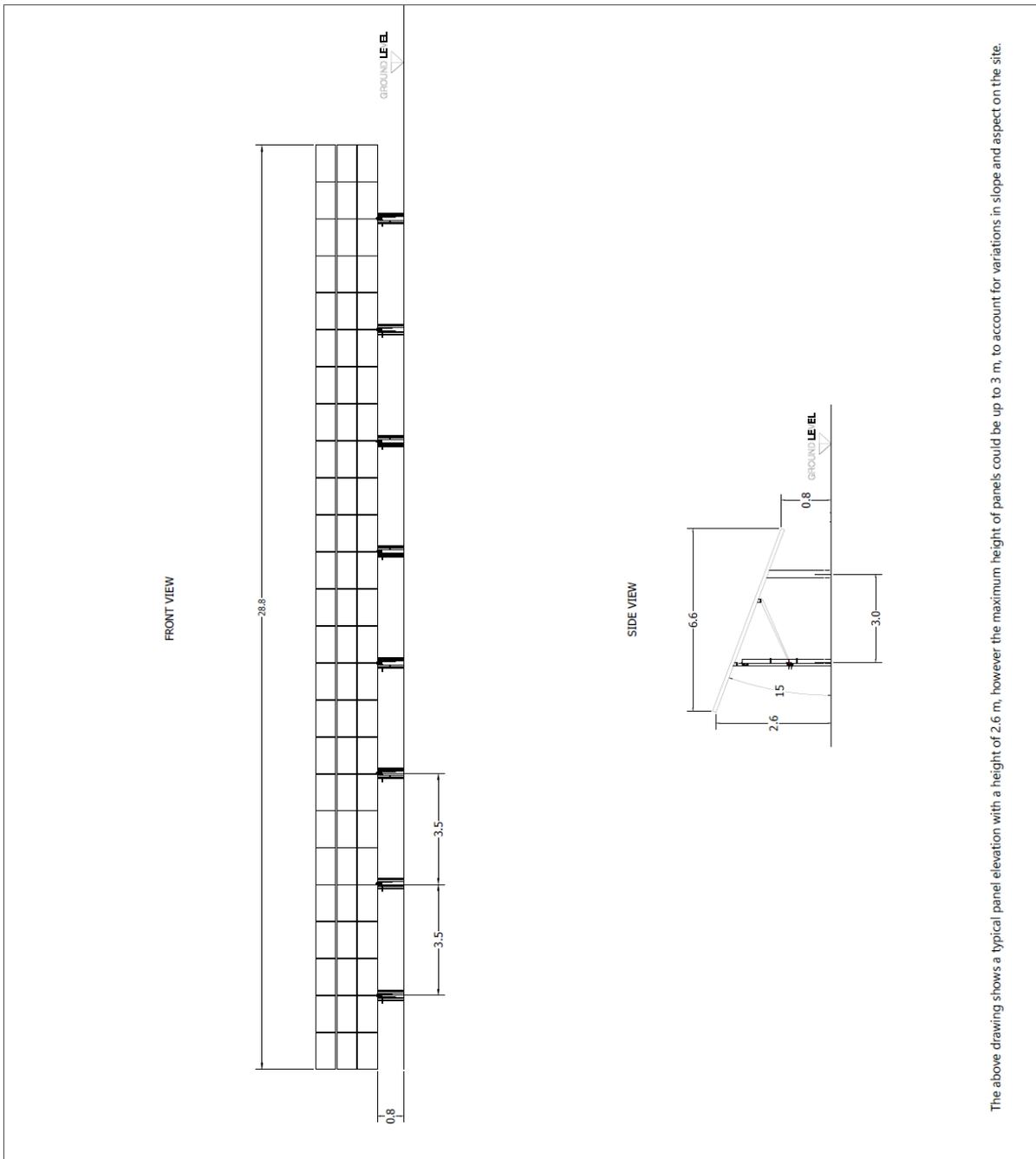
	Planning Application Boundary
	Landownership Boundary
	Fence
	Solar Panels
	Client Side Switching Station
	DNO Switching Station
	Battery Energy Storage System
	General Storage Container
	CCTV
	Cabling line
	Access Road
	Landscaping
	Existing Woodland
	Restoration Plan Hedgerow
	Native Species Hedgerow with Trees - proposed as part of the solar park
	Restoration Plan Footpath



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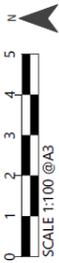
Racking and Solar Panel Elevation

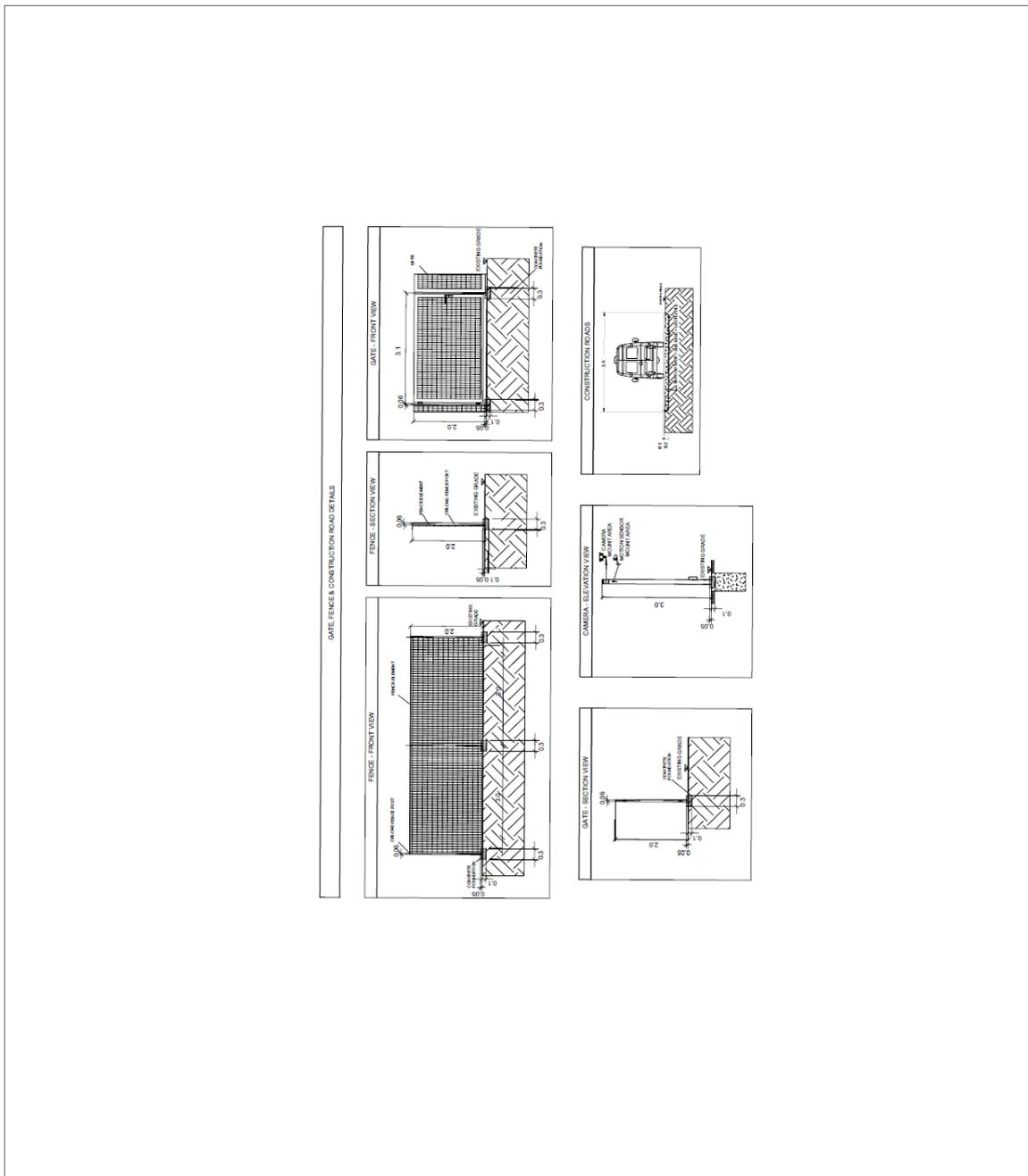
	<p>NOTE: DIMENSIONS CORRECT. DRAWINGS NOT TO SCALE</p>  <p>SCALE 1:100 @A3</p> <p>Produce: EL Reviewed: Approved:</p> <p>Ref: 3765_FIG_REP_0001 Date: 03/12/2020</p>	<p>Racking and Solar Panel Elevation Planning Drawing 3</p> <p>Planning Application Offham Solar Park</p>
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Gate, Fence, CCTV, Road Elevation Drawing

	<p>NOTE: DIMENSIONS CORRECT. DRAWINGS NOT TO SCALE</p>  <p>SCALE 1:100 @A3</p>	<p>Produced: EL Reviewed: Approved:</p> <p>Ref: 3765_FIG_REP_0007 Date: 03/12/2020</p>	<p>Gate, Fence, CCTV, Road Elevation, Planning Drawing 9</p> <p>Planning Application Offham Solar Park</p>
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Planning History and Background

7. Offham Landfill site originated as a ragstone quarry supplying aggregate and fill stone to the local construction industry and was then subsequently landfilled back to the current landform following the cessation of quarrying operations. Infilling of the former quarry with domestic, commercial, industrial and inert wastes was ongoing from the early 1980s. The deposit of putrescible waste ended in 2006 and, with the exception of soils required to correct differential settlement, the deposit of inert waste ended in 2008. Soils have been imported on a number of occasions since 2008 to correct localised / differential settlement.
8. Planning permission TM/03/3946 was granted in 2004 to enable the reprofiling of parts of the site to correct excessive settlement and improve surface water management. This permission was varied in 2008 (planning permission TM/07/3920). Planning permission TM/07/4014 was also granted in 2008 for a new environmental compound comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting.
9. In 2009 planning permission TM/09/1888 was granted to vary condition 2 of planning permission TM/07/3920 and condition 8 of planning permission TM/03/3946 to allow for soil importation to remediate settlement of the site. This permission was subject to a Section 106 legal agreement which secured the following planning obligations from the landowner:
 - (a) Within one month of the surrender of the Waste Management Licence to give notice to the Council of such surrender and the date of surrender.
 - (b) Within six months of the surrender of the Waste Management Licence or at such earlier date as the Owner may in its absolute discretion decide to construct and complete a new public footpath across the Land in accordance with condition 18 of the Planning Permission.
 - (c) To construct and complete the public footpath to the standard reasonably required by the Council.
 - (d) To agree to the completed public footpath being entered onto the Definitive Map and Statement of Public Rights of Way for the County of Kent.
 - (e) To be responsible for and pay for the cost of completing the public footpath and to pay the Council's reasonable charge in connection with listing the footpath within the definitive rights of way map.
 - (f) To notify Kent County Council within 14 days after the Planning Permission is implemented.
 - (g) An undertaking to ensure that only HGVs collecting waste from Offham village shall be permitted to enter or leave the Land from the direction of Offham village and that all other HGVs shall have access to the Land via Teston Road (to the west of the site access) and the B2016 (also known as Three Mile Lane).¹
10. In 2009 planning permission TM/09/1889 was also granted for the retention of the existing compressor and electricity supply box and the construction of a small compound to include existing leachate tank plus storage area and turning area.

¹ This effectively replicated a Section 106 Agreement secured with planning permission TM/03/3946 but which had been omitted when planning permission TM/07/3920 was granted.

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11. In 2010 condition 18 of planning permission TM/09/1888 was discharged. It provided the detailed scheme of routing, design and associated measures for the reinstatement of the public footpath across the site (east / west) as required by the S106 agreement set out in paragraph 9.

Proposal

12. This application proposes the installation of a solar park comprising an array of ground mounted solar photovoltaic (PV) panels with associated infrastructure including a Distribution Network Operators (DNO) switching station, client switching stations, battery containers, general spares container, access track, fencing, security cameras and cabling. The export capacity of the proposed development would be up to 10.2 MW per annum.
13. The site would utilise the existing landfill site access to the north of the site off Teston Road, from Teston Road the onsite access road runs roughly west to the entrance of the solar park, providing suitable access for construction. There is an existing access track onto the capped landfill which would also be used and extended in order to reach areas for solar panels further within the site. The existing access has been used by HGVs throughout the operation of the landfill site and would therefore minimise the requirement for new tracks within the site.
14. The total construction phase of the proposed development would have an estimated duration of 12 months (this would include contractor appointment and discharge of planning conditions and Environment Permit application). The core construction activity period would be 6 months and planning permission is being sought for a 'temporary' operational period of 35 years, at the end of this period the site would be fully decommissioned and restored in accordance with the approved restoration and aftercare plan set out in planning permission TM/09/1888.
15. The proposed development would consist of rows of solar panels known as 'strings' which would be dark in colour. The panels are composed of PV cells which are designed to maximise the absorbency of the sun's rays and to minimise solar glare. Each string of panels would be mounted on a rack comprising metal poles anchored to the ground via concrete footings of shallow piles. Panels are typically tilted 10 to 25 degrees from the horizontal to face south towards the sun (see the plan on page C1.5). There is usually a distance of 2-6m between strings of panels in order to avoid inter-panel shading but this distance is influenced by slope and aspect. The panels would be mounted at approximately 0.8m from the ground at the lowest point (the southern edge) rising to approximately 2.6m at the highest point (the northern edge), to a maximum height of 3m in places. The 'Racking and Solar Panel Elevation' drawing shown on page C1.5 shows a typical elevation with a height of 2.6m, however the maximum height of panels could be up to 3m, to account for variations in slope and aspect on the site. As such the assessments undertaken to accompany the planning application are based on a maximum panel height of 3m.

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16. The scale of the associated infrastructure would be as follows:
- Racking System (Solar PV Panelling) – up to 28.9m length x up to 3m height (panels tilted to 15 degrees angle) x 6.4m width;
 - 2m high security fence;
 - Gate height 2m and width 3.1m;
 - CCTV cameras located on 3m high poles;
 - DNO switching station container - up to 10m length x 3.5m height x 2.5m width;
 - Client side switching station – up to 6.1m length x 3m height (this includes a plinth of 0.35m above the ground level) x 2.5m width;
 - Two battery storage containers – 12.2m length x, 2.6m height x 2.5m width;
 - One general storage container – 12.2m length x 2.6m, height x 2.5m width; and
 - Access tracks – 3.5m wide.
17. The proposed development would have an operational period of 35 years during which time it would be unmanned and monitored remotely. Maintenance would be overseen by suitably qualified contractors who would visit the site as required but typically less than twice per month. Activities would be restricted principally to vegetation management, equipment/ infrastructure maintenance and servicing including replacement of any components that fail and monitoring to ensure the continued effective operation of the development. The design is such that in the event that certain components fail then the panels on that ‘string’ can be isolated and worked on, enabling the rest of the panels within the solar park to continue to function. Under the terms of planning permission TM/09/1888 it may be necessary for further landfill remediation works to be undertaken. This would be accommodated by temporarily isolating and removing the necessary parts of the solar park in order for the works to take place, before reinstalling the solar panels as necessary. Outside of the initial construction period there would be minimal regular vehicle movements associated with the development.
18. At the end of the operational phase, the development would need to be decommissioned and the site restored in accordance with the restoration plan required by planning permission TM/09/1888. All solar park infrastructure including modules, mounting structures, any footings/piling, cabling, inverters and transformers would be removed from the site and recycled or disposed of in accordance with good practice and market conditions at that time. The decommissioning period would be expected to take approximately 6 months and have less impact than the construction phase.
19. The application documents have set out the key criteria which has led to the site being selected for the proposed solar park development. These include:
- Solar irradiation levels;
 - Proximity to an existing grid connection with capacity to accept the proposed development with no or minimal upgrades;
 - Separation from local population;
 - Existing landfill infrastructure including access;
 - Land which is not suitable for conventional uses (i.e. no loss of agricultural land as the existing gas infrastructure results in limited uses for the site);

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- Existing screening provided by trees and hedges;
- Topography;
- Field size/shading;
- Access to the site for construction;
- Absence of national landscape designations;
- Absence of nature conservation designations;
- Located within flood zone 1 and so of low flood risk; and
- Potential for a commercial/land agreement with a landowner.

Planning Policy Context

20. The relevant Government Guidance and Development Plan Policies summarised below are relevant to the consideration of this application:
21. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (July 2021) and the associated National Planning Practice Guidance. The following paragraphs of the NPPF are of most relevance to this application:
 - Achieving sustainable development (paragraph 8).
 - Presumption in favour of sustainable development (paragraph 11).
 - Development in accordance with an up-to-date development plan (paragraph 12).
 - Requiring good design (paragraph 130).
 - Protecting green belt land (paragraphs 137, 138, 147, 148).
 - Renewable energy projects in the Green Belt (paragraph 151).
 - Meeting the challenge of climate change (paragraph 152).
 - Determining applications for renewable and low carbon development (paragraph 158).
 - Conserving and enhancing the natural environment (Paragraph 174).
 - Protecting habitats and biodiversity (paragraph 179).
22. **Kent Minerals and Waste Local Plan 2013-30 (as amended by the Early Partial Review) (September 2020)** – Policies CSW3 (Waste Reduction), CSW10 (Development at Closed Landfill Sites), DM2 (Environmental and Landscape Sites), DM4 (Green Belt), DM8 (Safeguarding Minerals Management, Transportation Production and Waste Management Facilities), DM10 (Water Environment), DM14 (Public Rights of Way), DM17 (Planning Obligations) and DM19 (Restoration, Aftercare and After-use).
23. **Tonbridge and Malling Borough Council (TMBC) Local Development Framework (LDF) Core Strategy (September 2007)** - CP1 (Sustainable Development), CP3 (Metropolitan Green Belt), CP7 (Areas of Outstanding Natural Beauty), CP8 (Sites of Special Scientific Interest), CP9 (Agricultural Land), CP10 (Flood Protection), CP14 (Development in the Countryside), CP24 (Achieving a High-Quality Environment) and CP25 (Mitigation of Development Impacts).

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24. **TMBC LDF Managing Development and the Environment DPD (April 2010) -** Policies CC1 (Mitigation - Sustainable Design), CC2 (Mitigation – Waste Minimisation), CC3 (Mitigation – Sustainable Drainage), NE1 (Local Sites of Wildlife, Geological or Geomorphological Interest), NE2 (Habitat Networks), NE3 (Impact of Development on Biodiversity), NE4 (Trees, hedgerows and woodland), SQ1 (Landscape and Townscape Protection and Enhancement), SQ2 (Locally Listed Buildings), SQ4 (Air Quality), SQ5 (Water Supply and Quality), SQ8 (Road Safety), SQ9 (Crime and Disorder), DC6 (Rural Lanes) and OS5 (Green Infrastructure Network).
25. **Draft Tonbridge and Malling Borough Council Local Plan Regulation 19 Pre-Submission Publication (September 2018) –** Tonbridge and Malling Borough Council formally withdrew its draft Local Plan (following its resolution to do so on 13 July 2021) with the intention of it being reviewed and refreshed before resubmission. This followed the Local Plan Inspectors’ decision that it should not be adopted. On this basis, no weight is to be afforded to the policies within the withdrawn plan for decision making purposes.

Consultations

26. **Tonbridge & Malling Borough Council** - No objection subject to the consideration of imposing conditions relating to the details and maintenance of the existing landscaping buffers throughout the life of the development, approval of a route to site avoiding Offham village and appropriate on-site assessment of the glint and glare impacts on the two identified properties.
27. **Offham Parish Council** – Objects to the application for the following reasons:
- This application is to cover the heightened former landfill site with solar panels up to 3 metres in height above ground level that will be clearly visible in places.
 - Questions the cumulative impact of Blaise Farm being quarried for another 30-40 years, from which villagers feel the effect of regular blasting; the development of the In-Vessel Composting facility with associated problems over the years of flies and smells; the Anaerobic Digestion (AD) plant which is unfortunately producing more odours; and also a huge farm which surrounds the village dealing with 20 million lettuces a year.
 - There has been a massive increase in through traffic due to Kings Hill.
 - Many residents feel overwhelmed even if they feel supportive of the green credentials of this application.
 - It is essential that the solar panels do not damage the integrity of the landfill capping and that this is preserved to prevent the land becoming contaminated.
 - Alternatively, the site could be used for sheep grazing.
 - Development of this site for solar power will result in an artificial intrusion into the local landscape. Just because the majority of the site is screened by existing vegetation does not justify the industrialisation of the existing open space.
 - Impacts on the Green Belt.
 - 35 year term is not temporary.
 - It will be a dominating feature of Offham's landscape, will define the Village in a negative way and consequently be of detrimental value to our local environment and our general well-being.

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- Water run-off from the panels will make the existing problem of subsidence even worse.
 - Impacts on biodiversity.
 - There is no offer of any form of community contribution.
28. **KCC Highways and Transportation** - No objection subject to a condition requiring the submission of Construction Management Plan prior to the commencement of the development. The details to be submitted should include the following:
- (a) Routing of construction and delivery vehicles to / from site.
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel.
 - (c) Timing of deliveries.
 - (d) Provision of wheel washing facilities.
 - (e) Temporary traffic management / signage.
 - (f) Provision of measures to prevent the discharge of surface water onto the highway.
29. **KCC Conservation Officer** - No objection. Advises that the County Council is aware of the following when determining the application:
- The boundaries of this large site are, in general terms, well screened from general view due to the proximity of woodland areas and mature tree and hedge screening adjacent to the surrounding rural roads. Due to the elevation of the site, the greatest visual impact would be experienced on the north side, from Teston Road. We concur with the conclusions resulting from the study of impacts on the setting of a range of designated heritage assets within a 2km radius of the site, in that little or no negative impact on their historic setting would be conferred by the development, due either to their distance from the site or the levels of permanent, dense tree screening.
30. **KCC Sustainable Urban Drainage** – No objection subject to conditions to ensure erosion and run-off are controlled.
31. **Environment Agency (Kent Area)** - No objection. Advises that further details will be required on the proposed method for installing and securing the solar panels to ensure the landfill cap is not compromised, and that this would be a requirement of the Environmental Permit.
- No concerns raised about the route of the footpath so long as the applicant can confirm that it will not impact on any infrastructure in place for gas collection or leachate management and the public should also not be able to have access to any of the infrastructure.
32. **KCC Public Rights of Way (West Kent PROW Team)** - No objections.
33. **Natural England** - No objections.
34. **KCC Ecological Advisory Service** – No objections subject to conditions covering the following matters:

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- Submission of a Landscape and Ecological Management Plan (LEMP). The content of the LEMP must accord with the details within the 'Ecological Management Plan: Reptiles and Nesting Birds' (Arcus November 2021), and include the following:
 - Description and evaluation of features to be managed;
 - Ecological trends and constraints that might influence management;
 - Aims and objectives of management;
 - Appropriate management prescriptions for achieving aims and objectives;
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - Details of the body or organisation responsible for implementation of the plan, and;
 - Ongoing monitoring and remedial measures.
 - From the commencement of works (including site clearance), all mitigation measures for protected species must be carried in accordance with the details contained in sections 3.1.2 and 3.2.1 of the Ecological Management Plan: Reptiles and Nesting Birds' (Arcus November 2021).
35. **Kent Downs AONB Unit** – No objection. Advises that it is satisfied that the relatively low height of the solar panels and associated structures, their dark colouring and their orientation to face south will limit potential harm in views from the AONB to the north.
36. **KCC Landscape Consultant (Waterman Infrastructure & Environment Limited)** – No objections. Advises that the submitted Landscape and Visual Assessment provides a detailed assessment of the potential impacts on the Landscape Character and Visual amenity of the site and the surrounding study area. The assessment has been undertaken following the correct guidance and provides clear conclusions that are considered reasonable and defensible.
37. **KCC Sustainable Business and Communities** – Supports the application and comments as follows:
- Welcomes the development as a continued contribution to renewable energy in Kent. We believe that approximately 10MW of solar energy will be exported to the grid, and there will be a subsequent reduction in carbon emissions. The project also fits with our aspirations as set out in our environmental policies including the Environment Strategy and the Kent and Medway Energy and Low Emissions Strategy. KCC are also looking to develop solar parks on its own existing closed landfill sites, so we are fully supportive of this approach.
- We would also welcome the approach of the developer to improve the biodiversity of the site. We would encourage a net biodiversity improvement approach so that there are multiple benefits to the ecology of the site. We would also like to see a “community benefit scheme” developed locally so that the developer provides local grants to local community organisations to reduce their own energy use through energy efficiency and renewable energy projects. It would be great to engage with local schools for example.

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In conclusion we fully support the application and would encourage more renewable energy developments in this area of Kent.

38. **UK Power Networks** – No comments received.

Local Member

39. County Council Member Sarah Hohler (Malling North) was notified of the application on 27 May 2021 and the following comments have been received:

- If concrete piles are used to anchor panels it needs to be clear that they will be removed from the site at the end of the permission;
- Considers that some of the reports submitted with the application make contradictory statements about ecology and are, in places, dismissive about the quality of the landscape;
- Solar panels up to 3m above ground level are rather high;
- Questions the cumulative impact of the proposed solar park and the permitted solar park at Kings Hill.

Representations

40. The application was publicised by the posting of a site notice and an advertisement in a local newspaper. The site is within the Green Belt and the newspaper advert was worded to reflect this designation in development plan terms.
41. In response to the publicity, 10 letters objecting to the application and 2 letters of support have been received. Two separate responses each were also received from the Offham Society and the Ramblers commenting on the application. Of the letters received in objection, two were from the same respondent and two were received from the same address.
42. The key points raised can be summarised as follows:

Support

- Fully support this application for a solar panel 'park' on the Offham Quarry Landfill site that contributes positively to the Government's legally binding green energy targets;
- Appropriate use of well screened land that is currently not accessible to the public and has not been for many years.

Objections

- Proposal is too large and too close to the village of Offham and intrusive to the open aspect of the site;
- Lack of consultation with the local community;
- Proposal should be a smaller development which would avoid unsightly panels on the south slope that is visible from Comp Lane;

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- Offham village has had to put up with this site being quarried, with associated disturbance, then an overfilled landfill site with associated disturbance and smell, and now an ugly solar park with glint and glare and wind noise, let alone the construction disturbance;
- Villagers also have to put up with the blasting from Blaise Quarry and the smells from the composting unit and also the anaerobic digester;
- Unreasonable that villagers should be subjected to further disruption and despoiling of a rural area that was supposed to be restored and landscaped;
- The site has not been looked after by its present owners FCC but it was always our understanding that the site would be managed efficiently and restored to its original green space use with the path restored;
- The solar panels will completely wreck any hope we have of future accessible green space.
- Offham residents struggle already with Kings Hill 'rat run' traffic;
- Considerable passing farm traffic following local expansion and the addition of this solar farm is the last straw;
- Methane gas has escaped causing pollution;
- The site operators have given repeated assurances that it would be returned to an open greenfield site accessible to the public;
- A large proportion of the countryside surrounding the village is being constantly and disproportionately destroyed by manmade structures whether they be in the form of housing, industrial developments including quarrying, poly tunnels;
- The prospect of having another 45 acres, which is equivalent to the size of Offham, covered in solar panels and so close to the village is intolerable;
- Impacts on existing wildlife;
- Lack of ecological measures to improve biodiversity should the scheme go ahead;
- The proposed development is in the Green Belt and the reasons for development fall far short of the very special circumstances required for its release;
- The reality is that the continuous overfilling of the site has resulted in it being significantly higher than most of the surrounding area especially where it borders the village. This together with the erection of 3m high solar panels will dominate the village in a detrimental way;
- In addition the effects of glint and glare, which are acknowledged by the applicant, it will affect to some extent around 39 properties which is of concern;
- The statement regarding the effectiveness of the existing boundary screening to overcome any visual amenity or glint and glare issues is wholly inadequate. There are many gaps between the trees and they themselves are deciduous so provide little or no screening for at least 6 months of the year. This is a matter of fact as my property overlooks the site and it is clearly visible during the winter months but with the addition of 3m high solar panels it will be visible for the entire year;
- A more suitable, remote location is called for;
- The panels should be well away from the boundaries and evergreen vegetation should be planted all around the edge of the development;
- Contingencies need to be in place in the event that Infinis Solar Developments Ltd and/or their partner FCC Environment (the landowner) are no longer trading in 35 years time when the Solar Park is to be decommissioned and the area

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reinstated in accordance with the agreed restoration plan. Under no circumstances must the solar panels be left to rot in situ.

- Generally in favour of "Green Energy" but we must strike a balance between the installation of green energy platforms and the environmental impact on local residents, even though this particular site cannot be used for anything else.

Discussion

43. This planning application for a proposed 10.2MW solar park on the former Offham Landfill site is being reported to the Planning Applications Committee as a result of objections received from Offham Parish Council, the Offham Society and a number of local residents.
44. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposals therefore need to be considered in the context of the Development Plan Policies, Government Policy and Guidance and other material planning considerations including those arising from consultation and publicity.

Principle

45. The development seeks to provide a source of renewable energy for which there is an identified and urgent need reflected in national and local planning policies for reducing carbon emissions to limit the impact of climate change. In principle, therefore, the scheme complies with the NPPF (paragraphs 153-158). In particular paragraph 158 states that when determining applications, planning authorities should not require applicants to demonstrate the overall need and should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gases and that they should approve the application if its impacts are (or can be made) acceptable.
46. The proposed solar park is therefore in line with national and local planning policy and is in principle acceptable, however, it is still necessary to assess the application in terms of its impact in terms of Green Belt, landscape and amenity, glint and glare, Public Rights of Way, ecology, transportation, historic environment, lighting, water environment, noise and vibration, and the decommissioning and restoration.

Green Belt

47. Paragraph 137 of the NPPF sets out that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
48. Green Belt policy is there to serve five key purposes:
 - to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and

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- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
49. The Government attaches great importance to Green Belts with the fundamental aim to keep the Green Belt “open”. Paragraph 147 of the NPPF states that inappropriate development is by definition harmful and should only be approved in “very special circumstances” (VSC).
50. Paragraph 148 goes on to say that VSC will only exist where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and substantial weight must be given to the harm to the Green Belt. A detailed assessment of any harm to the Green Belt created by this development is set out in the paragraphs that follow.
51. Planning case law has established that only a very tightly defined list of development types is appropriate in the Green Belt, developments outside of this list must demonstrate VSC. The proposed solar park development does not fall within the defined list of appropriate developments as set out in paragraph 149 of the NPPF. Paragraph 151 of the NPPF goes on to state that many renewable energy projects located in the Green Belt will comprise inappropriate development and VSC must be demonstrated if projects are to proceed.
52. By virtue of the criteria in the NPPF set out above and TMBC Core Strategy Policy CP3 which states that national Green Belt policy will be applied generally to the west of the settlement of Kings Hill and KMWLP policy DM4 which states that proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts and shall comply with national policy and the NPPF, the development is considered to be inappropriate in Green Belt terms. Therefore, I am of the view that the proposals would not meet the limited exceptions set out in the NPPF that would make it appropriate. Inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to demonstrate why permission should be granted with regard to planning policies and other material considerations. Such development should not be approved, except where very special circumstances are demonstrated that outweigh the harm to the Green Belt. It is therefore necessary to consider the impact on the openness of the Green Belt and whether or not there are VSC that would warrant setting aside the general presumption against inappropriate development. A Green Belt Assessment has been submitted in support of this application, which sets out what the applicant considers to be the VSC that warrant setting aside the general presumption against what would be inappropriate development in the Green Belt.
53. The proposed development would be located on a piece of land which does not have the feel or appearance of land traditionally associated with Green Belt land. The site is a former landfill in the village of Offham. The use of this former landfill site for the proposed development ensures that there would be no loss of pure greenfield land which could otherwise be used for agriculture. The site has limited uses due to existing low carbon power generation from Captured Landfill Methane and below ground landfill waste. The proposed development would not interfere with the waste beneath the capped landfill surface, as there would be no requirement for ground excavation with the solar panels to be anchored to the ground with concrete footings, or short

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- piles, so as not to impact on the capping. Additionally, infrastructure for both access and grid are already in place as part of the landfill operations, and as such there is a precedent for manmade features in this location. The development would have an operational lifetime of 35 years and the site would be reinstated in accordance with the approved restoration scheme for the site following that time.
54. The submitted Landscape and Visual Assessment (LVA) demonstrates that the solar park is sensitive in its form and style and would not encroach on the boundaries of the site in particular along the southern boundaries of the site which would be the closest to residential properties in Comp Lane. The panels are structures that would sit at a maximum 3m in height and are almost entirely enclosed by strong boundary vegetation. The LVA report concludes that there would be limited harm, where the visual impacts are limited to the immediate vicinity and given the enclosed nature of the site, there are limited views available from the wider surrounding area. It is stated that the overall approach to design and layout with landscape enhancements to the boundaries would reduce residual effects, and the proposals maintain the objectives of the Green Belt designation.
55. The potential visual impact of a development proposal is a key test in preserving the openness of the Green Belt. The visual analysis that has been carried out as part of this application with the submitted LVA, has examined seven views towards the site, at distances up to 2km from the site boundary. Of these, the more distant views (0.5 - 2.0km) are judged to be more important in terms of openness as they provide greater context.
56. In these more distant views, which are located on open ground to the north, east, south and west of the site, it was not possible to gain any visibility of the site beyond the perimeter vegetation which completely encloses it. What is also apparent in many of these views is the strongly vegetated and wooded nature of the immediate locality, particularly to the south, has a considerable effect in limiting views in general of the site. In considering the potential effects of the development on these more distant views in particular, there is predicted to be no change in the outlook. Overall, therefore, it is considered that the proposed development would have not have a significantly greater adverse effect on the openness of this part of the Green Belt than the restored landfill site.
57. Given their moderate scale, the applicant states that the solar panels are very well contained due to the screening on all boundaries, and as such the visual intrusion on the area would be extremely limited and would not have a detrimental effect on the wider landscape. They state that the modest scale of the solar array and the location of the site is unlikely to lead to any undue levels of adverse visual or landscape harm, provided the landscape planting proposed is implemented and that no perimeter vegetation/trees would be removed, which is a requirement also of the approved restoration scheme.
58. The proposed development does have the potential to generate planning harm in a number of other areas. Without appropriate mitigation secured by planning condition, there would be potential for harm to the site's ecological interests, impacts from glint and glare, impacts during construction and other transportation matters, lighting and the water environment. However, whilst these matters, without appropriate mitigation

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would demonstrate planning harm, they would not in isolation be reasons to recommend refusing the application.

59. The potential harm to the Green Belt set out above needs to be given significant weight in reaching a decision as to whether the development would be acceptable in Green Belt terms. In order to reach a conclusion in respect of harm, the applicant will need to demonstrate that all the benefits are taken together clearly outweigh any potential harm to the Green Belt.
60. The proposed scheme is designed to generate a 10.2MW supply to the national grid, which would make a not insubstantial contribution to reducing carbon emissions per annum. The provision of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The applicant states that there is strong national policy support for the development of renewable energy sources including solar power, to ensure the country has a secure energy supply for the future, and to reduce greenhouse gas emissions. Although the scheme is modest in size and output, paragraph 158 of the NPPF confirms that 'even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions'.
61. A clear benefit of the proposed solar development is a contribution towards the substantial reduction in the UK's CO2 emissions by providing renewable energy which would help the UK in its desire to move towards being a low carbon economy. The location of the proposed solar development on a former landfill site ensures that there would not be a loss of protected open space or agricultural land. The site comprises land which is currently in use for energy generation in the form of Captured Landfill Methane extraction and the proposed development would complement the existing uses of the site and would maximise the benefits of energy generation at the site.
62. The proposed development is an opportunity to provide a supply of low carbon renewable energy in a suitable location and this must be considered as a clear wider environmental benefit. The policy support for renewable energy in the NPPF is caveated by the need for the impacts to be acceptable, or capable of being made so. Nevertheless, the applicant stating that the renewable energy benefit of the proposal is clear and should be accorded substantial weight in the decision making process.
63. There would be a clear benefit arising from the introduction of a new footpath across the site, the detail of which is considered at paragraph 113 below. In terms of its benefit, the proposed footpath would open up the site to walkers for the first time since 1969, prior to the commencement of quarrying operations. The proposed path would broadly follow the route of the approved PROW that is required to be re-introduced to the site following the surrender of the waste management licence for the site and would allow the views to the south to be available for walkers for the first time in many years. In the event that the solar park is not brought forward the PROW would not be reinstated until the surrender of the waste management licence, which would be at least another decade.
64. The applicant states that all of the existing boundary screening would be retained and supplemented by new planting as part of the landscape proposals. In addition, the landscape proposals would add new hedgerow screening and tree planting along the

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southwestern boundary shielding views from properties on Comp Lane, retain and protect the existing woodland setting that surround the majority of the site, and the planting of new vegetation to provide for and to make biodiversity enhancements. The LVA concludes that the existing landscape has the capacity to accommodate a development of this size and scale.

65. Employment opportunities would be provided during the construction phase with delivery and set-up on site, and then further opportunities would be provided as result of ongoing maintenance in the operational phase, and again for the decommissioning phase. It is acknowledged that as a result of the proposed development's nature that there would not be a significant level of new employment opportunities as activity on site would largely be restricted to regular maintenance and ad hoc repairs as necessary.
66. Therefore, in my view there are clear benefits associated with the proposed development. Principally the strong environmental benefits via the generation of renewable energy and the re-introduction of a footpath across the site which, when combined, clearly outweigh the potential harm to the Green Belt that would arise as a result of the development.
67. The development would constitute inappropriate development within the Green Belt and the NPPF requires substantial weight to be given to any harm to the Green Belt. However I consider the applicant has appropriately demonstrated that the harm generated by the proposed development is clearly outweighed by the benefits of the scheme. There is a significant need for renewable energy and the development would meet this need in the short term, a consideration which weighs substantially in favour of the development as recognised by paragraph 155 (b) of the NPPF which states that in order to help increase the use and supply of renewable and low carbon energy and heat that suitable areas should be identified in order to help secure their development. The previous uses of the site and the ongoing power generation from Captured Landfill Methane, significantly limit the possible future uses for the site and in particular restrict the possibility of any wider community uses outside of the proposed public footpath reinstatement.
68. Planning permission should not be granted in the Green Belt unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. There are considerable merits to the development, as set out above and given the information submitted with the application which demonstrates that the harm caused by the scheme is clearly outweighed by the benefits of the scheme it is considered that Very Special Circumstances have been demonstrated in this case.
69. Notwithstanding the objections that have been received by Offham Parish Council and some local residents on Green Belt grounds, that are set out in paragraphs 27 and 42, I accept the applicant's assessment and application of Green Belt Policy, as summarised above. The development would be inappropriate development and by definition harmful, nevertheless, the considerations summarised above clearly outweigh the harm to the Green Belt. Accordingly, I do not consider that an objection on Green Belt grounds would be warranted and the application is in accordance with the NPPF, Kent Minerals and Waste Local Plan 2013-30 (as amended by the Early Partial Review (September 2020) (KMWLP) Policy DM4 and Tonbridge and Malling

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Borough Council Local Development Framework (LDF) Core Strategy (September 2007) (TMBC Core Strategy) Policy CP3.

70. Paragraph 4(b) of the Town and Country Planning (Consultation) (England) Direction 2021 states that a referral should be made to the SoS for any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Whilst I do not conclude, given the considerations set out above that the development would have a significant impact, the site is inappropriate development within the Green Belt and due to its scale and nature, in the event that Members resolve to approve the application, it would be prudent to adopt a precautionary approach and refer the application to the Secretary of State for the Department for Levelling up, Housing & Communities under the Direction.

Landscape and amenity impacts

71. The site, as defined by the redline application boundary, extends to an area of some 17.7 hectares (ha). It comprises the majority of the former quarry at Offham, which lies immediately west of the village and sits between Teston Road to the north and Comp Lane to the south. Following the ceasing of quarrying operations, the quarry was used as a landfill site and is now restored with the created landform on the site rising above the immediate surrounding area by up to 9m on western parts and 12m on south-eastern parts. Rough grassland covers the restored landfill site together with patches of young scrub vegetation to the perimeter and some internal hedgerows, and this conveys an open character within the site.
72. Several vertical gas pipes relating to the Captured Landfill Methane operations protrude through the surface of the landfill and connect with other pipes laid on the surface. The site is, however, well contained by tall vegetation to the boundaries which largely prevents views out from the site, although some distant views are possible to the north, as far as the Kent Downs, and south, to the edge of Offham Wood. Boundary vegetation in conjunction with the wider pattern of hedgerows, tree belts and woodland also prevent views into the site, both from the immediate vicinity and the wider surrounding area. Some mainly filtered views are gained from along Teston Road and Comp Lane where the vegetation is thinner.
73. A small number of residential properties adjoin the site to the north along Teston Road and beyond this is open farmland on gently sloping ground, together with Moorlands Wood and a scattering of farmsteads and small groups of properties. Several small, irregular fields of pasture separate the site from Offham village to the east. The village itself retains a small historic core centred on the 'green' at the junction of Teston Road with Comp Lane. The village has also progressively expanded along Teston Road to the northwest and the area north of Teston Road to Church Road has also been largely infilled with housing.
74. A handful of residential properties adjoin the site to the south along Comp Lane, together with several small irregular shaped fields in arable and pasture use. Beyond these fields are several wooded areas (including Offham Wood) that join with the more substantial wooded complex of Mereworth Woods, which occupies gently rising ground further to the south. There is also an uncharacteristically large arable field and quarry

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on the northeastern edge of the wood which introduces an urbanising element into the rural landscape.

75. A derelict property adjoins the site in the northwest corner facing on to Teston Road, this site is subject to a planning application for residential development currently being determined by Tonbridge & Malling Borough Council. Behind this property the Captured Landfill Methane infrastructure with associated emission stacks adds a further urbanising element into the local landscape despite being well contained by vegetation. Further to the west, open farmland extends a short distance to the B2106 with Wrotham Heath Golf Course immediately beyond. Land use is predominantly arable and is also larger in scale as a result of the amalgamation of fields and loss of hedgerows, and this conveys a more open character. Several fields immediately west of the site have also been given over to plastic horticultural tunnels and are a visually detracting influence in the open landscape, as are a small complex of modern industrial buildings associated with Orchard Place Business Centre at the junction of Comp Lane with the B2016. Overall, the site and its immediate context conveys a limited sense of remoteness or tranquillity by virtue of its proximity to Offham village, the existing Captured Landfill Methane landfill gas infrastructure and other urbanising influences in the immediate locality.
76. Offham Parish Council and local residents have objected to the application for a variety of landscape reasons and for impacts on residential amenity with particular focus on the size of the proposed solar park, height of the solar panels and views of the proposed development from outside of the site.
77. A full landscape and visual appraisal (LVA) was submitted with the application to assess the landscape and visual impacts of the proposed development during both the construction and operational phases of the solar park. This LVA was reviewed by KCC's independent landscape specialist as part of the consultation process.
78. The site would be accessed via the existing entrance from Teston Road that previously served the quarry and landfill operation. This would not necessitate the removal of any boundary vegetation to accommodate sightlines, within the site access to the DNO and ancillary substations would be provided by a new access 3.5m wide track that would run around the northwestern corner, parallel with the site boundaries. The new access track and substations would result in the loss of a very small area of rough grassland that currently covers the landfill. The metal frames that would support the solar panels would be anchored to the ground with concrete footings or short piles so as not to impact on the landfill capping. Full details of the precise method would be required by the Environment Agency as part of its permitting responsibilities. All cabling would be installed below ground with minimal disturbance to the existing capping.
79. The effects of construction on landscape resources would be restricted to small geographical areas within the site, primarily in the northwest, where the substations would be located, and would not result in the removal of any important or unusual landscape features. The effects would be of short duration (up to 6 months) and localised and would not have any meaningful influence on the character of the Greensand Fruit Belt - Malling Local Landscape Character Area (LLCA) in which the site is located, or to the Mereworth Woodlands LLCA that borders the site to the south.

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80. The visual effects of construction would be limited to glimpsed views of construction activities at the site entrance and some mainly filtered views from along Teston Road and Comp Lane. These effects would be of short duration and localised and would not have any meaningful influence on visual amenity beyond the site in the longer term.
81. When compared to the construction phase, the proposed development would gain a more 'settled' appearance during the operational period from the time that construction activity ceases. The proposed development would be visible over a limited area with potential for indirect effects on the surrounding landscape and surrounding visual receptors.
82. The submitted LVA assesses the effects of the proposed development on landscape character receptors in relation to the following Local Landscape Character Areas (LLCAs) of the Kent Landscape Character Assessment:
- Greensand Fruit Belt to Malling LLCA (the site is wholly within this LLCA);
 - Mereworth Woodlands LLCA (borders the site to the south).
83. The Wrotham Heath – Ryarsh Gap LLCA is also located approximately 600m to the north and c.1km to the west, whilst consideration of this LLCA was made in the LVA, it was not considered to be of a close enough proximity to warrant detailed assessment.
84. The site is situated wholly within the Greensand Fruit Belt to Malling LLCA and therefore has the potential to be directly affected by it, the site itself forms a small part of the LLCA.
85. The former use of the site as a quarry and landfill operation ensures the proposed development would have little or no adverse effect on key characteristics and sensitivities identified for the LLCA. It would have some limited adverse effect on its immediate setting arising from the introduction of uncharacteristic elements (solar panels) extending across the site, albeit contained by tall boundary vegetation. However, the LVA determines that the geographical extent over which these changes would be experienced would be relatively localised and largely limited to the immediate setting of the site. At 'Year 1', the magnitude of effect is judged to be 'small adverse', at 'Year 15', the magnitude of effect would remain unchanged i.e. small adverse. On balance, the LLCA is judged to have a low susceptibility to impacts from the proposed solar park.
86. Mereworth Woodlands LLCA adjoins the site to the south and has some potential to be indirectly affected by the proposed development. In terms of susceptibility, the extensive woodland cover interspersed with pockets of farmland that characterises the local landscape affords very high levels of enclosure. Whilst there is no reference in the landscape to the type of change proposed, there are a number of detracting features present which have a localised negative influence on the character or experience of the landscape (small quarries and the expanding settlement of Kings Hill). The quality of the landscape is generally good, with the strong but simple pattern of dense woodland remaining coherent and this would not change as a result of the proposed development. On balance, the Mereworth Woods LLCA is judged to have a low susceptibility to impacts from the proposed solar park.

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Visual impact on residential amenity

87. The appraisal of residential properties, or groups of properties in the LVA was limited to those within approximately 1km of the proposed development. A number of these properties are accessed from private farm tracks/ roads and due to the limitations of access, they were appraised from the nearest public road or footpath with the aid of aerial photographs.
88. The LVA assessed the effects on views and visual amenity arising from the proposed development through analysis of a 'screened' 'Zone of Theoretical Visibility' (ZTV) diagram and from a number of viewpoints that represent visibility for a range of visual receptors. The ZTV shows theoretical visibility of the proposed development largely limited to the site and its immediate setting, within 1km radius, with some patchy visibility extending further to the west up to a distance of approximately 1.5km. The limited extent of theoretical visibility reflects the gently undulating topography and strong vegetation pattern of the area as well as the contained nature of the site itself afforded by established vegetation to its boundaries.
89. Some close, but mainly filtered, views are obtained from Teston Road and Comp Lane where they pass immediately adjacent to the site and also for some residents that adjoin these local roads in the vicinity of the site. Limited visibility is also predicted for some residents that lie just to the south of the site and users of public footpaths and bridleways that adjoin the site or pass immediately to the south and west.
90. In all, 25 individual or groups of properties were identified within 1 km of the site. Many of these properties have been scoped out of the appraisal at the baseline stage on the basis of little or no theoretical visibility indicated by the screened ZTV. Those with theoretical visibility were considered further but none were determined to be significantly affected by the proposed development.
91. Offham lies between 100m and 200m east of the site where it occupies gently sloping ground which falls very gradually to the northeast. The ZTV indicates some limited theoretical visibility for south western parts of the village where a small number of properties on the edge of the settlement are orientated towards the site from their rear elevations with a largely open aspect. Existing vegetation to the eastern boundary of the site in conjunction with the steeply inclined landform of the restored landfill has a considerable limiting effect on visibility from these properties. It is possible that some filtered views of the solar panels may be gained from some of these properties, mainly from upper floor windows. No change in the view is predicted by Year 15.
92. In summary, residual levels of effect on views and visual amenity from the LVA are predicted to be:
- Effects on people living in residential properties adjacent to the site (along Comp Lane) who are of high sensitivity would be negligible to minor-moderate adverse at Year 1, reducing to negligible adverse by Year 15 as existing boundary vegetation matures.
 - Effects on people living in settlements adjacent to the site who are also of high sensitivity would be negligible adverse at Year 1 and Year 15.

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- Effects on people using local roads adjacent to the site (Comp Lane and Teston Road) who are of medium sensitivity would be negligible to minor adverse at Year 1, reducing to negligible adverse by Year 15 as existing boundary vegetation matures.
93. The LVA was assessed by KCC's Landscape Consultant and by the Kent Downs AONB Team and no objections were received. The Landscape Consultant concluded that the submitted LVA provided a detailed assessment of the potential impacts on the landscape character and visual amenity of the site and the surrounding study area and that the assessment was undertaken following the correct guidance and provided clear conclusions that are considered reasonable and defensible.
94. The nature, scale and form of the proposed development would inevitably result in some adverse effects on landscape character and on visual amenity as summarised above, however, the previous uses of the site combined with the limited height of the proposed development and the very high degree of containment afforded by boundary vegetation ensure that effects are small in magnitude and restricted to the site and its immediate setting within 1km radius. The LVA recorded and analysed the baseline landscape and visual resources of the site and surrounding area, identified landscape and visual receptors likely to be affected by the proposed development and determined the extent to which these would be altered and it concluded that whilst the proposed development would give rise to varying degrees of adverse landscape and visual effects on a number of receptors, the degree of effects predicted to arise during the operational phase would be largely limited to the site and its immediate setting, within 1km radius.
95. The main effect on landscape character would be the change from rough grassland which covers the restored landfill site contained by a strong framework of boundary vegetation, to rough grassland with solar panels and ancillary development within the same context immediately west of Offham. The approved restoration plan for the site identifies the retention of the existing peripheral woodland and hedges which provides a high degree of containment, which would be retained and managed to allow the trees and hedgerows to mature and provide a screen around the perimeter. Consequently, it is not considered there would be a specific requirement for significant additional planting to screen the proposed development in views from the immediate or wider area or help integrate it into the wider landscape. Neither would any enhancement measures be necessary by way of gapping up or reinforcing existing vegetation. However, during the processing of the application, the applicant committed to an additional area of landscape hedgerow planting in the south west of the site (see site plan on page C1.4) which, whilst not recommended by consultees, would further augment the screening vegetating at this point of the site and aid screening of the proposed development from properties bordering this part of the site. Full details of additional landscaping would be required by planning condition.
96. The solar park would effectively be separated into five areas in order to negate the need for unnecessary vegetation removal and to allow the existing site access tracks to be used, this can be seen on the site plan on page C1.4. Each of the five areas would be surrounded by 2m high fencing and along the fencing at set intervals would be 3m high mounted CCTV units. The CCTV would be motion sensitive and would be positioned with views of only the fence line. Unfortunately, solar parks are susceptible

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to theft of the PV panels so the inclusion of CCTV and security fencing is considered essential for the proposed development. The height of fence and the metal 'rabbit type' fence design was considered in the application documents and considered to be acceptable in design and landscape impact terms, on that basis I would not raise an objection to the proposed fence and CCTV see plan on page C1.6.

97. There is one other operational solar park in the vicinity and as such it is important to assess the potential cumulative impact with other solar parks. There has also been another recent planning approval for a small 3MW solar park facility over 2km away to the southeast in Kings Hill. The operational Wrotham Heath Solar Farm is located within the Wrotham Heath – Ryarsh Gap LLCA, approximately 1.8 km northwest of the site. This site was therefore included as part of the baseline landscape assessment for this LLCA and was consequently assessed as having minimal potential for any landscape impact. The Wrotham Heath Solar Park is situated between the M26 and M20 motorways to the northeast and with the settlement of Wrotham Heath, a motorway, A20 and railway line separating it from the proposed development I am satisfied that there are significant barriers between the two sites that would negate any realistic cumulative impacts. The smaller recently approved solar park is to be located on land some 2km away to the south east at Kings Hill. This development would be very small in scale, roughly a third of the size of the Offham proposal, and would be separated from it by Blaise Farm Quarry and significant areas of woodland and farmland. As such I am satisfied that there is not a requirement to assess the cumulative impact on this project either given the area of separation and nature of the barriers between the two developments. There are no other cumulative developments that require assessment.
98. Notwithstanding the objections received from Offham Parish Council and local residents, I am satisfied that the proposed development would not give rise to an unacceptable effect on any landscape related planning designations. Similarly, the proposed development would not give rise to unacceptable cumulative effects on landscape character. Overall, there is no reason why the landscape and visual effects arising from the proposed development should be regarded as unacceptable and I am satisfied that the site could accommodate a solar park facility of this size. No objections have been received from technical consultees and on this basis, I would not raise any objections on landscape and visual amenity grounds, subject to the imposition of conditions to secure implementation of the additional landscape and hedgerow planting and their long-term management. I am satisfied therefore that the proposed development would be acceptable in landscape and visual impact terms and accords with the NPPF, KMWLP Policy CSW10, DM2, TMBC Core Strategy Policies CP7, CP14, CP24, CP25 and Tonbridge and Malling Borough Council Local Development Framework Managing Development and the Environment DPD (April 2010) (TMBC DPD) Policy SQ1.

Glint and Glare

99. As is typical of applications of this nature a 'Glint and Glare' report has been submitted. For the purposes of the report the following definitions have been used:
- Glint – a momentary flash of bright light typically received by moving receptors or from moving reflectors;

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- Glare – a continuous source of bright light typically received by static receptors or from large reflective surfaces.

The term 'solar reflection' is used to refer to both reflection types i.e. glint and glare.

100. The methodology for the glint and glare assessments was as follows:

- Identify receptors in the area surrounding the proposed solar park.
- Consider direct solar reflections from the solar park towards the identified receptors by undertaking geometric calculations.
- Consider the visibility of the proposed panels from the receptor's location. If the panels would not be visible from the receptor then no reflection can occur.
- Based on the results of the geometric calculations, determine whether a reflection could occur, and if so, at what time it would occur.
- Consider both the solar reflection from the solar development and the location of the direct sunlight with respect to the receptor's position.
- Consider the solar reflection with respect to the published studies and guidance.
- Determine whether a significant detrimental impact is expected.

101. Within the report, the solar development area is defined, as well as the relevant receptor locations. The result is a chart that states whether a reflection can occur, the duration and the panels that can produce the solar reflection towards the receptor. The report assesses the impacts on residential receptors and road-based receptors.

102. There is no formal guidance with regard to the maximum distance at which glint and glare should be assessed, from a technical perspective there is no maximum distance for potential reflections. The significance of a reflection however decreases with distance due to the proportion of an observer's field of vision that is taken up by the reflecting area diminishes as the separation distance increases. Terrain and shielding by vegetation are also more likely to obstruct an observer's view at longer distances. On this basis and in the submitted report a 1km buffer was considered appropriate for glint and glare effects on ground-based receptors. Reflections towards ground-based receptors located further north than any proposed panel was considered highly unlikely, as such receptors north of the panel areas have not been modelled.

103. Objections have been received from a number of local residents about the potential effects from glint and glare with particular focus on the 39 properties that may experience some level of impact as a result of the proposed development.

104. The report considered the potential for impacts from solar reflection on major national, national, and regional roads that:

- Were within, or close to one kilometre of the proposed development.
- Have a potential view of the panels.

105. In terms of road receptors, assessment is not generally recommended for local roads, where traffic volumes and/or speeds are likely to be relatively low, as any solar

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reflections from the proposed development that are experienced by a road user would be considered 'low' impact in the worst case.

106. The assessed road receptor points were sited at circa 100m intervals along Seven Mile Lane (B2016) at a height of 1.5m above ground level which is considered the typical eye level for a road user.
107. The key considerations for measuring the significance of the impact of the proposed development on residential receptors are:
 - Whether a significant reflection is predicted in practice.
 - The duration of the predicted effects, relative to thresholds of:
 - 3 months per year.
 - 60 minutes per day.

Impact on residential receptors

108. The results of the modelling indicate that solar reflections are geometrically possible towards 39 out of the 50 assessed dwelling receptors. Predicted solar reflections for 37 of these dwellings would not be experienced in practice due to the significant screening in the form of intervening terrain and existing vegetation, which would obstruct the views of the reflecting panels. For the two dwellings, located approximately 0.3km to the west of the proposed solar park at the closest point, very marginal views might be possible for receptors located above ground floor level. A moderate impact is predicted for these dwellings. Mitigation is not recommended because, it is expected that effects will be reduced by an observer not being able to see the entire affecting panel area and the solar reflections coinciding with direct sunlight.
109. For the two properties that may experience very marginal views, further work was undertaken to determine if views towards the site would be sufficiently screened. This indicated that the existing areas of vegetation screening would be sufficient for ground floor receptors. Partial views towards the solar park may be possible for second floor receptors for these two dwellings as indicated by the available aerial imagery. The reflecting area of the solar park is at a ground elevation height from a comparable level up to 9m of elevation at its highest point. The modelling has indicated that an observer would experience solar reflections for less than 60 minutes per day but for more than 3 months per year, however it is expected that the dwellings would not have views of the entire affecting panel area, which would reduce the duration of the effects. Considering all these points, the report determined that the impact upon these dwellings would be moderate, and mitigation is not recommended, however, since the submission of the application additional hedgerow screening has now been included along a portion of the western site boundary which would further the screen the development, precise details of this new planting would be required by the imposition of an appropriate planning condition.

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Impact on road receptors

110. The key considerations for measuring the significance of the impact of the proposed development on road users are:
- Whether a reflection is predicted in practice.
 - The type of road (and associated likely traffic levels/speeds).
 - The location of the reflecting panels relative to a road user's direction of travel (a reflection directly in front of a driver is more hazardous than a reflection from a location off to one side).
111. The modelling has shown that solar reflections are predicted to be geometrically possible towards all 9 the assessed road receptors located along Seven Mile Lane (B2016). All predicted solar reflections will however not be experienced in practice due to the significant screening in the form of the immediate existing vegetation, which will obstruct the views of the reflecting panels. No impacts are therefore predicted towards road users on the surrounding roads and mitigation would not be required.
112. Notwithstanding the objections received from local residents, I am satisfied that the potential impacts on the two closest properties would not be significant to warrant a refusal of the application. No objections on the issue of glint and glare have been received from KCC's technical consultees and subject to the imposition of conditions to secure the implementation of an approved landscaping scheme I am satisfied that the proposed development would be acceptable in terms of the impact from glint and glare and accord with the NPPF and TMBC Core Strategy Policies CP14, CP24, CP25.

Public Rights of Way and Legal Agreement

113. Paragraph 100 of the NPPF states that planning policies and decisions should protect and enhance public rights of way and access, and that local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
114. Policy DM14 of the KMWLP states that planning permission will only be granted if provision is created for an acceptable alternative route both during operations and following restoration of the site and opportunities are taken wherever possible to secure appropriate, improved access into the countryside.
115. Prior to the site's former use as a landfill and earlier as a quarry a public right of way (PROW) crossed the site broadly from east to west. PROW MR259 was formally diverted around the northern boundary of the site in 1969 to facilitate the quarrying operations, to date this is still the approved PROW route. The future re-establishment of a new PROW (footpath) across the site was secured by a Section 106 Agreement when planning permission TM/03/3946 was granted and again when TM/09/1888 was permitted. The legal agreement required the PROW to be constructed within 6 months of the surrender of the Waste Management Licence (or at such earlier date at the sole discretion of the owner) and for the footpath to be formally added to the Definitive Map and Statement of Public Rights of Way for the County of Kent. Details of the new PROW were approved pursuant to condition 18 of planning permission TM/09/1888

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under reference TM/09/1888/R18 in August 2010. However, it has been assumed that due to the presence of above ground gas and leachate control infrastructure and the potential for these to be tampered with by users of the path that the PROW reinstatement would not take place before the early 2030s.

116. When this application was originally submitted it saw an opportunity to reinstate a permissive path across the northern part of the site. Whilst this was recognised as a positive development which would see a path tracking across the site for the first time since 1969, it was considered something of a missed opportunity to reinstate a path that traces the original or similar to the original PROW. Following negotiations with the applicant, the application was revised to enable an agreement that would see a route very similar to that approved by TM/09/1888/R18 to be reinstated as part of this application. This would see a footpath tracking across the highest point of the site allowing the views to the south to be realised again for the first time in 40 years.
117. Following the revisions made to the route of the footpath the Ramblers provided additional comments, which were positive and supportive in the main, about the potential impact that fencing around the proposed solar park would have on the views from the PROW, particularly to the south. The applicant subsequently carried out a thorough review of the layout of the path. There are variations in separation along the route between the route and any fencing and solar panels. Moving from west to east over the site the closest the path gets to the proposed development is in the far west where it would be 1m off the fence and 6m from the panel and the closest pinch point. This separation increases as the path heads north to being 7m to the fence and 23m to the panel. In the central part where panels are both sides, on the west end the distances would be 5m to the northern fence (15m to northern panels) and 6.5m to the southern fence (12.5m to the southern panels). Further east this increases to 7m to the northern fence (13m to northern panels) and 6.5m to the southern fence (25m to the southern panels). As the path reaches the eastern edge it is 6m from the fence to the north and 25m from the panels. Given the separation distances, and the design of the deer fencing (large mesh grid, which would still allow views through), it is not considered that the fencing would impede views. Given the additional set back to panels, which in places is around 25m, they would again not significantly impede on longer distance views.
118. The applicant has also confirmed that there would be a number of pipes that cross the route including the main gas pipe, small extraction pipes, leachate and compressed pipes. These have been reviewed as part of the revisions to the PROW route and it has been confirmed that all the pipes would either be buried or sleeved where they cross the footpath. In addition to the pipes, it has also been confirmed that there would be three vertical HDPE gas wells located directly on the footpath route. These are all active gas wells and as such it is not possible to decommission or bury these assets, however, there is sufficient room around each of the locations so either the footpath could be locally widened at each of the locations (to allow protective fencing around wells) or the footpath could be pushed south a few meters at each of the locations in order to avoid the infrastructure and allow fencing. This would ensure the path can be used safely by the public and would ensure that the overall path route remains, largely true to the approved route, whilst it would be preferable for the route to exactly match, it must be recognised that this minor change, does enable the

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reinstatement of a path across the site considerably earlier than would otherwise be possible.

119. As the proposed new PROW cannot be entirely accommodated on its correct alignment until the removal of the existing gas and leachate infrastructure it has been agreed that the new route would be a permissive path on the revised alignment (shown on the drawing on page C1.4) with some minor widening and control measures pending removal of the above ground infrastructure and ability to then formally “adopt” the new PROW on the Definitive Map. The applicant has also committed to entering into a new legal agreement to ensure that the adoption of the route onto the Definitive Map and Statement of Public Rights of Way can be made at such time that the aforementioned infrastructure can be safely removed. This is a procedure which can only be reached via a legal agreement and draft Heads of Terms have been agreed with the applicant and any future planning permission would only be issued in conjunction with a legal agreement to ensure this matter is addressed. The proposed draft Heads of Terms are set out in full at Appendix 1.
120. No objections have been received from consultees including KCC Public Rights of Way, and in my opinion the creation of the proposed permissive footpath across the site represents the swiftest opportunity for the reinstatement of a footpath across the site since the original footpath was diverted in 1969. In all likelihood without the approval of the current application the footpath would not be reinstated until the surrender of the Waste Management Licence (Environmental Permit) which would likely not be for at least another 10 years. Subject to a condition to agree minor changes to the route and details of the proposed permissive path and a legal agreement to ensure its future adoption to the Definitive Map and Statement of Public Rights of Way I am satisfied that the proposed development would be acceptable in terms of public rights of way and accords with the NPPF, KMWLP Policies DM14, DM17, TMBC Core Strategy Policy CP24 and TMBC DPD Policy OS5.

Ecology

121. Paragraph 179 of the NPPF states that local plans should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural environment and ensure that worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place, including for biodiversity.
122. Paragraph 180 states that regard should be given to such matters when determining planning applications and that the planning system should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on biodiversity and providing net gains in biodiversity where possible. Kent MWLP Policy DM3 requires proposals for minerals developments to ensure that they do not result in unacceptable adverse impacts on Kent’s important biodiversity assets and demonstrate an adequate level of ecological assessment has been undertaken.
123. Objections have been received from local residents regarding the lack of potential for ecological enhancements as a result of the proposed development.
124. No objections or concerns have been raised by consultees. Natural England is

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satisfied that the development is unlikely to have any significant effect on any designated sites if it is undertaken as proposed and KCC's Ecological Advice Service has no objections providing the applicant complies with conditions that cover the following:

- Submission of a Landscape and Ecological Management Plan (LEMP). The content of the LEMP must accord with the details within the 'Ecological Management Plan: Reptiles and Nesting Birds' (Arcus November 2021), and include the following:
 - Description and evaluation of features to be managed;
 - Ecological trends and constraints that might influence management;
 - Aims and objectives of management;
 - Appropriate management prescriptions for achieving aims and objectives;
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - Details of the body or organisation responsible for implementation of the plan;
 - Details of how Biodiversity Net Gain will be implemented and monitored throughout the lifetime of the development; and
 - Ongoing monitoring and remedial measures.
- From the commencement of works (including site clearance), all mitigation measures for protected species must be carried in accordance with the details contain in sections 3.1.2 and 3.2.1 of the Ecological Management Plan: Reptiles and Nesting Birds' (Arcus November 2021).

125. Notwithstanding the objections received from local residents I am satisfied the concerns raised are not sufficient to warrant a refusal of planning permission on ecological grounds. In the absence of any objections from key technical consultees (e.g. KCC's Ecological Advice Service, Natural England and the Environment Agency) and provided that a detailed management plan is submitted and implemented as approved, and that the proposed mitigation measures during the construction phase are strictly adhered to, it is considered that a biodiversity net-gain can be achieved. Therefore, I am satisfied that the proposed development would be acceptable in terms of ecology and the natural environment and would therefore accord with the NPPF, TMBC Core Strategy Policy CP25 and TMBC DPD Policies NE1, NE2, NE3 and NE4.

Transportation Matters

126. The proposed development would, when completed, generate minimal traffic on a daily basis, except for occasional maintenance vehicles and for ad hoc repairs. The vast majority of vehicle movements associated with the development would be during the construction of the solar park and again when the site is decommissioned at the end of the 35 years of its proposed operation.
127. The construction phase is proposed to last for up to six months, with a peak daily trip generation not expected to exceed 84 movements (in and out). Site access would be from the existing access on Teston Road, which is a junction layout that has historically dealt with HGV traffic serving the previous landfill quarry site, without any

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identified safety issues, as such it is considered an acceptable access for use during the construction period.

128. KCC Highways and Transportation were consulted on the application and have raised no objection subject to the imposition of a condition requiring the submission, and subsequent approval in writing, of a Construction Management Plan to include the following matters:
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - (f) Provision of measures to prevent the discharge of surface water onto the highway.
129. I note that objections have been received from Offham Parish Council and local residents about traffic issues that already exist as a result of other developments within the general locality including from agricultural businesses, quarrying activities and that associated with Kings Hill, however, as stated above the proposed development would, when operational, generate negligible vehicle movements, indeed on most days there would be no vehicle movements whatsoever, I am satisfied that there is no reason on highways grounds to warrant refusal of the application.
130. It is acknowledged that there would be associated vehicle movements during construction and decommissioning, however these would be temporary in nature and subject to the imposition of appropriate conditions, I am satisfied that this application would not have an unacceptable impact on the highway network and would accord with the NPPF, KMWLP Policy DM8, TMBC Core Strategy Policies CP1, CP14 and TMBC DPD Policies DC6 and OS5 relating to highway and transport matters. HGVs involved in the development of the solar park or the transportation of any materials required for the remediation of the landfill site pursuant to planning permission TM/09/1888 would only be permitted to enter or leave the site via Teston Road (to the west of the site access) and the B2016 (also known as Three Mile Lane) thus avoiding Offham village. This matter is proposed to be included in the new S106 legal agreement.

Historic Environment

131. Paragraph 190 of the NPPF states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats and paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 197 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

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132. No objections or concerns have been raised by consultees. KCC's Conservation Officer commented that the boundaries of the site are in general terms, well screened from general view due to the proximity of woodland areas and mature tree and hedge screening adjacent to the surrounding rural roads and that due to the elevation of the site, the greatest visual impact would be experienced on the north side, from Teston Road. The Conservations Officer agreed with the conclusions resulting from the study of impacts on the setting of a range of designated heritage assets within a 2km radius of the site, in that little or no negative impact on their historic setting would be conferred by the development, due either to their distance from the site or the levels of permanent, dense tree screening.
133. There is an acknowledgement made that there would be some negative impacts resulting from changes to the setting of certain non-designated assets such as the converted oasts at the junction of Teston Road and Aldon Lane. These derive from the loss of the existing clear and open fields which have resulted from the closure and covering of the landfill site. The level of harm to the rural landscape and setting of such non-designated asses resulting from this change of use would be less than substantial in all cases. As such it is considered that the heritage impacts resulting from the proposed development would not justify a refusal of planning permission and, in the words of the Conservation Officer would be offset by the considerable public benefits derived from the new use of the site.
134. No objections have been received from consultees and I am satisfied that this application would not have an unacceptable impact on any heritage assets, and it would accord with the NPPF and TMBC DPD Policies SQ1 and SQ2 relating to conservation and heritage assets.

Lighting

135. No lighting has been proposed for the solar park with the exception of emergency lighting surrounding the compound areas. On this basis I would not raise any objections on lighting grounds, however, I would recommend a condition be imposed on any planning permission that requires any subsequent plans for lighting to be submitted for the written approval of the County Planning Authority, in order to protect biodiversity interests and in order to conserve local amenity.

Water Environment

136. The NPPF states that permitted operations should not have unacceptable impacts on the natural environment or on the flow and quantity of surface and groundwater or give rise to contamination. Policy DM10 of the Kent MWLP states that permission will be granted where it does not result in the deterioration of physical state, water quality or ecological status of any waterbody (e.g. rivers, streams, lakes and ponds); have an unacceptable impact on groundwater Source Protection Zones; and exacerbate flood risk in areas prone to flooding and elsewhere, both now and in the future.
137. No objections or concerns have been raised by consultees, KCC's Flood Risk Project Officer has stated that he considers the proposals as low risk from a surface water flooding perspective and that the main risk associated with the operation of the solar park is in minimising runoff and soil erosion, specifically in the areas under the drip line

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of the individual solar panels. It is set out in the submitted Flood Risk Assessment that the area immediately under the drip line of the panels would be seeded with a suitable grass / flower mix. It is accepted by the KCC Flood Risk Project Officer that these measures would suitably reduce runoff and soil erosion. It is acknowledged though that these measures would only continue to be effective at mitigating these risks if they are maintained throughout the lifetime of the site's operation. Future removal of the proposed vegetation or lack of maintenance would result in increased runoff and/or erosion. As such it is proposed that, as part of the wider landscaping scheme outlined earlier, that a suitable maintenance regime for the planting in these areas be required to ensure erosion and runoff are controlled for the lifetime of the development.

138. In the absence of any objections from key technical consultees (e.g. the Environment Agency and KCC's Flood Risk Project Officer and Natural England), I am satisfied that the development proposed by this application does not present an unacceptable risk to groundwater or surface water quality, would not exacerbate flood risk and therefore accords with the NPPF, TMBC Core Strategy Policy CP10 and TMBC DPD Policy SQ5 relating to the water environment.

Noise and Vibration

139. The level of noise generated by a solar park is not generally considered to be significant, solar panels themselves only operate during daylight hours, and therefore there can be no noise generated in the evening, night and early morning, when ambient noise levels are typically at their lowest. Some comments have been received which raise the issue of noise from wind through the solar panels, however this is only considered to be an issue in the event that the installation has not been carried out correctly. During the operational phase of the proposed development, the only noise generated would be by the inverters (with noise reduced by the housing around them), switching stations and battery storage containers (air conditioning units) which would be located in the north west corner of the site, adjacent to Teston Road, the Captured Landfill Methane generators and the commercial crop growing business. The positioning of these units would ensure minimal noise effects on the nearby residential properties, the nearest of which is located over 260m to the southwest. It should be noted that the existing Captured Landfill Methane generators have been operating in this position for many years without any recent complaints from local residents.
140. Noise generated during the construction of the proposed development is not anticipated to be significant as the excavation requirements would be minimal, and no large machinery would be needed for excavation or piling. There would be some localised noise for vehicular traffic delivering to the site and moving around on the site, however this would be for a temporary period only. Construction related noise and any necessary mitigation would be addressed through a condition requiring the submission of a Construction Management Plan. It is also intended that there would be conditions restricting the hours of construction operations, and subsequently when the solar park is operational, the hours that maintenance operations could take place, in order to further mitigate any potential amenity impacts that may result from these operations.
141. I note the objections received from local residents, however, I am satisfied that providing the solar park is erected in accordance with the manufacturer's instructions that there should be no nuisance caused from wind passing through the panels. In the

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absence of any objections from key technical consultees, I am satisfied that the development proposed by this application does not present an unacceptable risk to terms of noise and vibration impacts and I accept that there would be no significant adverse impact on amenity or the environment subject to the proposed mitigation and the imposition of the conditions referred to in paragraph 154 below. The proposed development is therefore in accordance with the NPPF and TMBC Core Strategy Policies CP24 and CP25 with regards to noise.

Decommissioning and Restoration

142. Whilst the planning permission would be for a temporary period of 35 years, it is acknowledged that this is still a considerable period of time and in the event that planning permission be granted I would recommend a planning condition be imposed that requires a scheme of work to be provided that details the process to decommission the proposed solar park. This is due to there being a high degree of uncertainty regarding the exact process of decommissioning as engineering approaches and technologies are likely to change over the operational life of the development.
143. I note the comments received from the Local Member regarding the importance of ensuring all aspects of the proposed development, including any piling works, are removed at the end of the permission period and a planning condition would be included to ensure this matter is required.
144. The operator would also be required to give the County Planning Authority notice in advance of commencement of the decommissioning works when all necessary licenses or permits have been acquired. As mentioned above, full details of the decommissioning are not available at this time but based on today's practices it would be anticipated to last between 4-6 months, much the same as construction would take, and it would be timed to minimise its environmental impact. The proposed development is therefore in accordance with the NPPF and KMWLP Policy DM19.

Other Matters

145. I acknowledge Offham Parish Council's request for a financial contribution to offset the impact of the proposed development, however, I am not satisfied that there is justification on this occasion to do so and that the proposed development, if constructed in accordance with the proposed conditions and the new S106 agreement would have minimal impacts on the village. Moreover, in terms of community benefits the proposed development would present a very good opportunity for pupils at the Offham Primary School to learn and understand the benefits associated with renewable energy generation such as this. I have included an informative to address this.

Conclusion

146. The development of a 10.2MW solar park in this location would make a significant contribution to the UK's requirement for low carbon renewable energy as it would generate approximately 9,500 megawatt hours per year which would offset the annual

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electricity usage of approximately 2,200 homes within Tonbridge and Malling Borough. The proposed use complements the existing use of the site for energy generation in the form of Captured Landfill Methane extraction. The location, on a former landfill site, has been selected in order to minimise the loss of high-quality open space or agricultural land, as well as to avoid disturbance to neighbouring residential properties. The permitted PROW required under planning permission TM/09/1888 would not be constructed for a number of years to come yet, and this proposal would re-establish a footpath across the site for the first time in many years.

147. Overall, I accept the applicant's assessment and application of Green Belt policy, as summarised above. The development would be inappropriate development and by definition harmful. Nevertheless, in my view, the considerations summarised above are sufficient to constitute Very Special Circumstances capable of outweighing harm, by reason of inappropriate development arising from the installation of the proposed solar park.
148. Landscape, residential amenity and biodiversity impacts upon the site and surrounding areas from the solar park are considered to be minimal with appropriate mitigation secured through planning conditions. There have been no objections received from any technical consultees and the proposed solar park would continue to be subject to pollution control considerations through the permitting regime administered by the Environment Agency.
149. It is not considered there would be any cumulative or combined impacts associated with other developments that would be sufficient to presume against the grant of planning permission.
150. The development seeks to provide a source of renewable energy on a former landfill site that can be used for limited purposes other than a development such as this. Simply put solar power production generates electricity with a limited impact on the environment as compared to other forms of renewable electricity production, without the need for extensive ground disturbing foundations. There would be no tall vertical structures or moving parts involved and there would be negligible noise associated with the solar park during its operation.
151. There is an identified and urgent need reflected in national and local planning policies for reducing carbon emissions to limit the impact of climate change and the scheme therefore complies with the NPPF (paragraphs 153-158). In particular paragraph 158 states that when determining applications, planning authorities should not require applicants to demonstrate the overall need and should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gases and that they should approve the application if its impacts are (or can be made) acceptable.
152. I am satisfied the proposed development complies in all relevant aspects with the NPPF to which the presumption in favour sustainable development therefore applies. It is concluded that the proposals comply with the adopted Kent Minerals and Waste Local Plan 2013-30 (as amended by the Early Partial Review) (September 2020) and the relevant policies of the Tonbridge and Malling Borough Council (TMBC) Local Development Framework (LDF) Core Strategy (September 2007), TMBC LDF Managing Development and the Environment DPD (April 2010).

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153. Therefore, I am satisfied that the proposed development would be in accordance with the general aims and objectives of the relevant Development Plan Policies, and I am satisfied for the reasons outlined above that there are no material planning reasons for refusing the application. I therefore recommend accordingly.

Recommendation

154. I RECOMMEND that the application BE REFERRED to the Secretary of State for Levelling Up, Housing and Communities under the Town and Country Planning (Consultation) (England) Direction 2021 and that SUBJECT TO no intervention by him that PLANNING PERMISSION BE GRANTED SUBJECT TO the prior satisfactory completion of a legal agreement to secure the Heads of Terms set out in Appendix 1 and:

- (i) conditions covering amongst other matters:
1. Development to be commenced within 3 years of the date of the permission.
 2. Carrying out the development in accordance with the submitted plans.
 3. Restriction of permitted development rights.
 4. Temporary planning permission for a period of 35 years from the date of energisation (the date of first energisation shall be notified to the Local Planning Authority in writing).
 5. Submission and approval in writing of a decommissioning method statement at least six months prior to the completion of the 35 year energisation period.
 6. Submission and approval in writing of a decommissioning method statement in the event that the export of electricity to the grid ceases for a period of 6 months (unless relating to a temporary cessation resulting from the need to remediate localised differential settlement or in connection with the ongoing management of landfill gas or leachate at the landfill site), or within six months following a permanent cessation of construction works prior to the solar facility coming into operational use.
 7. The site shall be restored in accordance with the approved restoration and aftercare scheme, or any consent which subsequently varies or replaces it, following decommissioning.
 8. No energisation shall take place until the submission and approval in writing of full details of the proposed route of the permissive path including, surface, gates and fence.
 9. Submission and approval in writing of a Construction Management Plan prior to commencement of development.
 10. Submission and approval in writing of a Landscape and Ecological Management Plan.
 11. Submission and approval of a lighting scheme.
 12. Submission of a landscaping scheme prior to commencement of development.
 13. Tree protection measures.
 14. Construction hours only between 07:00 and 18:00 hours Monday to Friday and between 07:30 and 13:00 hours on Saturdays (with none on Sundays, Bank and Public Holidays), unless otherwise approved by the County Planning Authority.

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15. Repairs and maintenance only between 07:00 and 18:00 hours Monday to Saturday (with none on Sundays, Bank and Public Holidays), unless otherwise approved by the County Planning Authority (where there is insufficient time to secure prior approval for urgent repairs or maintenance the operator shall notify the County Planning Authority of the date, time, reason for and nature of the works on the next available working day).
 16. Submission of a scheme within 24 months of energisation to demonstrate that no erosion/scarification of the grassland between the arrays has occurred. In the event of evidence of erosion or scarification, mitigation details shall be submitted and approved in writing by the County Planning Authority.
- (ii) informatives covering the following matters:
1. The development would require a permit from the Environment Agency, so it is recommended that the applicant contacts the National Permit Service on 03708 506 506 to discuss the issues likely to be raised.
 2. Standard highways informative highlighting that planning permission does not convey any approval to carry out works on or affecting the public highway.
 3. The applicant is advised that they should explore the opportunities for community engagement, with particular focus on engaging with pupils at Offham Primary School to promote and enhance understanding of the benefits associated with renewable energy generation.

Case Officer: Adam Tomaszewski

Tel. no: 03000 410434

Background Documents: see section heading

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Heads of Terms for Section 106 Agreement

Proposed Heads of Terms for a new (replacement) S106 Agreement between WRG (Central) Ltd (as Owner) and Infinis Solar Developments Ltd (as Applicant) and KCC (as the Council) relating to a planning permission proposed to be issued under TM/21/1259.

- (1) The Owner and Applicant give the following undertakings to the Council:
- (a) To implement and maintain a Permissive Footpath across the site in accordance with the details approved by the Council on 17 August 2010 pursuant to condition 18 of planning permission TM/09/1888, or such variations as may be approved by KCC as Waste Planning Authority pursuant to conditions attached to planning permissions TM/09/1888 or TM/21/1259, until such time as a new public footpath is constructed and completed and entered onto the Definitive Map and Statement of Public Rights of Way for the County of Kent in accordance with (c) to (f) below.
 - (b) Within one month of the surrender of the Waste Management Licence [Environmental Permit] to give notice to the Council of such surrender and the date of surrender.
 - (c) Within six months of the surrender of the Waste Management Licence [Environmental Permit] or at such earlier date as the Owner may in its absolute discretion decide to construct and complete a new public footpath across the Land in accordance with the details approved pursuant to condition 18 of Planning Permission TM/09/1888.
 - (d) To construct and complete the public footpath to the standard reasonably required by the Council.
 - (e) To agree to the completed public footpath being entered onto the Definitive Map and Statement of Public Rights of Way for the County of Kent.
 - (f) To be responsible for and pay for the cost of completing the public footpath and to pay the Council's reasonable charge in connection with listing the footpath within the definitive rights of way map.
 - (g) To notify Kent County Council within 14 days after Planning Permission TM/21/1259 is implemented.
 - (h) To ensure that HGVs involved in the development of the Solar Array or the transportation of any materials required for the remediation of the landfill site pursuant to planning permission TM/09/1888 shall only enter or leave the site via Teston Road (to the west of the site access) and the B2016 (also known as Three Mile Lane).

Appendix 1 to Item C1

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- (i) To pay all of the Council's reasonable legal and administrative costs associated with the completion of the S106 Agreement and entering the S106 Agreement on the Local Land Charges Register and discharging the requirements of the S106 Agreement (Unilateral Undertaking) dated 4 December 2009 relating to planning permission TM/09/1888.
- (2) The Council undertakes to discharge the requirements of the S106 Agreement (Unilateral Undertaking) dated 4 December 2009 relating to planning permission TM/09/1888.