

Summary of Proof of Evidence.

In Respect of Sheepwash Solar Farm.
On behalf of Statkraft UK Ltd.

Date: 19 December 2023 | Pegasus Ref: P22-2992

Author: Chris Cox





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Contents.

1. Summary.....	3
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1. Summary

- 1.1. I am Chris Cox BSc (Hons) MA MRTPI and I am an Associate Planner at Pegasus Group, Bristol.
- 1.2. I hold a Bachelor of Science in Geography and Planning from the University of Birmingham, and a Masters of Urban and Regional Planning from the University of Central England. I have been a Chartered Member of the Royal Town Planning Institute since 2008. I have over 19 years of planning experience, mostly in the private sector. I have specialised in the renewable energy sector, with a core focus on solar farm developments since approximately 2014.
- 1.3. My evidence has been prepared in support of a Section 78 appeal by Statkraft UK Ltd against the decision of Maidstone Borough Council ("the Council") to refuse planning application 22/501335FULL relating to Land North of Little Cheveney Farm, Sheephurst Lane, Marden.
- 1.4. My evidence provides background information relating to the proposed development. It summarises the relevant planning policy and reviews the Council's decision notice. I assess whether the proposal complies with the Development Plan and whether there are material considerations, including the benefits of the proposal. I then assess whether any of the Council's refusal reasons are well-founded and then consider the planning balance to establish if planning permission should be granted.
- 1.5. My evidence should be read in conjunction with other evidence that deals with landscape, heritage and agricultural land matters.
- 1.6. There is a very strong planning policy and wider policy imperative to rapidly increase the generation of renewable energy in order to meet national Net Zero targets and Maidstone's own targets on carbon reduction. The contribution of the proposal in this regard is therefore a very significant public benefit.
- 1.7. The site is geographically well placed to generate solar energy, is relatively free of constraints and benefits from a grid connection that, untypically, allows for an early connection to the grid.
- 1.8. The Council's position is that that the proposed development, or other renewable energy development, does need to be provided in Maidstone. In my opinion, this indicates either a failure to understand the need for the proposed development, or a failure to properly acknowledge the implications of that need in development control decision-making.
- 1.9. Further, Maidstone Borough Council is not a local planning authority who can be said to have helped to materially increase supply, let alone played its full part in meeting the urgent national need having regard to the potential opportunities in the Borough. It has delivered very little renewable energy on the ground to date. No new planning permissions have been granted for utility scale solar generation since 2015 and no new sites have been allocated for such development in the existing or emerging development plans.
- 1.10. The Council accepts that a countryside location is required to accommodate a solar farm.



- 1.11. The Appellant's position is that there is no harm to designated heritage assets. However, the Council's position is that there is less than substantial harm, at the lower end of the scale.
- 1.12. Notwithstanding the Appellant's position, If the Inspector agrees with the Council that there would be some less than substantial harm to the designated heritage assets the decision maker must therefore consider the test at paragraph 202 of the NPPF.
- 1.13. Recognising the great weight (NPPF paragraph 199) to be afforded to the harm to designated heritage assets, I conclude that the key public benefits of the proposed development; namely the renewable energy, biodiversity and economic benefits, would in this case far outweigh the less than substantial harm to designated heritage assets that is suggested by the Council.
- 1.14. There would be no unacceptable impacts in relation to landscape or agricultural land matters and contrary to the Council's suggestion in refusal reason 4 that there would be unacceptable harm to ecology, there is in fact a significant positive impact on ecology through the proposed Biodiversity Net Gain.
- 1.15. Section 38(6) of the Planning and Compulsory Purchased Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Policy DM24 relates specifically to renewable and low carbon energy schemes. It is the policy that is most relevant to the proposed development and as such, is one of the most important policies in the Development Plan.
- 1.16. DM24 and its supporting text offers in principle support for renewable energy schemes, subject to meeting the relevant criteria that are primarily related to considering the impacts of development.
- 1.17. DM24 also says that preference to using existing premises, previously developed land and land not classified as best and most versatile will be given. It does not rule out the use of best and most versatile land (to do so would put it in conflict with the NPPF) and my evidence explains how and why the proposed development accords with DM24.
- 1.18. The Council's position is understood to be that DM24 mandates a sequential approach and that the sites location on best and most versatile land means the proposal causes a breach of DM24 (paragraph 31 of the Council's Statement of Case). I disagree with that approach and if that was found to be the case, policy DM24 would be more restrictive than the approach set out in the NPPF and would be inconsistent with national policy.
- 1.19. The supporting text to DM24 does refer to a separate guidance document for assessing the use of BMVAL, but that document sets out a process of justification, not a sequential test. Consequently, the Council's assertion that a sequential or preferential approach is required is simply wrong.
- 1.20. My evidence demonstrates that the proposed development is in accordance with DM24. The impacts of the proposed development have been shown to be acceptable and the Appellant has explained why the appeal site is to be used.



- 1.21. The proposed development accords with all other relevant Development Plan policies. However, in my opinion even if there is found to be non-accordance with the Development Plan, the material considerations referred to in my evidence clearly indicate that permission should nonetheless be granted.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

Bristol

First Floor, South Wing, Equinox North,
Great Park Road, Almondsbury, Bristol, BS32 4QL
T 01454 625945
E Bristol@pegasusgroup.co.uk
Offices throughout the UK.

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