



Statkraft UK Ltd  
C/O Origin Power Services Limited  
FAO Ms Donna Clarke  
The Wain  
Bells Lane  
Stibbard  
NR21 0EW

28 October 2022

## PLANNING DECISION NOTICE

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<b>APPLICANT:</b>	<b>Statkraft UK Ltd</b>
<b>DEVELOPMENT TYPE:</b>	<b>Large Major Other</b>
<b>APPLICATION REFERENCE:</b>	<b>22/501335/FULL</b>
<b>PROPOSAL:</b>	<b>Installation of a renewable energy led generating station comprising of ground-mounted solar PV arrays, associated electricity generation infrastructure and other ancillary equipment comprising of storage containers, access tracks, fencing, gates and CCTV together with the creation of woodland and biodiversity enhancements.</b>
<b>ADDRESS:</b>	<b>Land North Of Little Cheveney Farm Sheephurst Lane Marden Kent</b>

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The Council hereby **REFUSES** Planning Permission for the above for the following Reason(s):

- (1) The site includes a significant proportion of the best and most versatile agricultural land which has economic and other benefits that NPPF requires to be recognised. The proposal is also contrary to National Energy policies and Planning Practice Guidance and policy DM24 of the Maidstone Borough Local Plan 2017 which direct solar farms towards lower grade agricultural land. The proposed use of the best and most versatile agricultural land has not been adequately demonstrated to be necessary.
- (2) By virtue of its scale and character, the proposed development would cause significant harm to the character and appearance of the countryside and does not adequately mitigate these impacts, contrary to the aims and objectives of the National Planning Policy Framework and policies SP17, DM1, DM24 and DM30 of the Maidstone Borough Local Plan 2017.

- (3) The proposed development, by virtue of its scale, proximity and character results in less than substantial harm to the settings of Heritage Assets being Grade II listed buildings of Little Long End and Little Cheveney Farm as views from and to listed buildings close to the site would be possible. The harm to the significance of the heritage assets would be less than substantial. The application is therefore contrary to policies DM4 and DM24 of the Maidstone Borough Local Plan 2017 and the NPPF.
- (4) The proposal would cause harm to biodiversity by detrimentally impacting on ecology and physical habitats including badger and skylark habitat and potential harm from new permissive footpaths to Ancient Woodland and the Lesser Teise and is thereby contrary to the NPPF and policies DM3 and DM24 of the Maidstone Borough Local Plan 2017.
- (5) The noise assessment does not include BS4142 assessments for all locations and therefore the applicant has failed to demonstrate that there will be no harm to residential amenity, contrary to policies DM1 and DM24 of the Maidstone Borough Local Plan 2017.

Informative(s):

- (1) This decision was based on:

SKUKX-SHEEP-000-MCS-253 Edge of Park Switch Gear Station  
 SKUKX-SHEEP-000-MCS-252 Transformation Station  
 SKUKX-SHEEP-000-MCS-206 CCTV Elevation  
 SKUKX-SHEEP-000-MCS-204 Access Gate Elevation  
 SKUKX-SHEEP-000-MCS-203 Perimeter Fence Details  
 SKUKX-SHEEP-000-MCS-201 Internal Tracks  
 SKUKX-SHEEP-000-HVG-104 Monitoring Cabin  
 SCUKX-SHEEP-001-HGV-466 Rev A Main Building Elevation  
 SCUKX-SHEEP-001-HGV-465 Rev A Main Building Plant  
 IRA-JBAU-XX-XX-SK-C-0001 Rev P01 Section Through Lowest Site Elevation - Highest Flood Depth  
 GGO-JBAU-XX-XX-DR-D-0001 Rev P02 Surface Water Drainage Strategy  
 AW0143-PL-002 Landscape Mitigation & Enhancement Plan  
 27899/105 Rev A PV Structure Framework  
 27899 - SK01 Rev A Proposed Site Areas  
 27899 - 150 Rev D Proposed Solar Farm Site Location Plan  
 27899 - 064 Rev C Proposed Site Overview Plan  
 27899 - 063 Rev A Proposed Site Overview Plan  
 27899 - 062 Rev B Proposed Site Overview Plan  
 27899 - 061 Rev A Proposed Site Overview Plan  
 27899 - 060 Rev B Proposed Site Overview Plan  
 14 Mar 2022 27899 - 053 Rev A Proposed Solar Farm Footpath & Boundary Layout Plan  
 01 Sep 2022 27899 - 050 Rev E Proposed Solar Farm Site Layout  
 21-0354 SP02 Rev A Swept Path Analysis  
 21-0354 SP01 Rev B Swept Path Analysis - Primary Site Access  
 21-0354 SK04 Proposed Site Compound  
 21-0354 SK03-A Construction Traffic Routing  
 Agricultural Land Classification and Soil Resources  
 Agricultural Land Use Statement

Grid Connection Assessment  
Landscape and Visual Impact Assessment  
LVIA Appendix B- Photography, Verified Views and Methodology  
Noise Impact Assessment  
Outline Surface Water Drainage Strategy - Final Report  
Sequential Analysis Study  
Solar Photovoltaic Glint and Glare Study  
Rights of Way Strategy - Technical Note  
Statement of Community Involvement  
Construction Method and Decommissioning Statement  
Construction Method and Decommissioning Method Statement  
Landscape and Ecological Management Plan  
Sheepwash (sic) Solar Energy Farm Planning Design and Access Statement v2.0  
Design and Access Statement incl Planning Statement  
Construction Traffic Management Plan  
Cover Letter  
Detailed Response on Key Issues Landscape, Transport and Site Security  
Letter Re CTMP  
Response to Comments and Objections  
Response to Environment Agency Comments  
Utility Scale Solar Background Briefing  
Biodiversity Net Gain Report  
Ecological Impact Assessment  
Heritage Statement

The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and these were not considered to be any solutions to resolve this conflict.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

*R. L. Jarman*

Rob Jarman  
Head of Development Management  
Maidstone Borough Council

**IMPORTANT: YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES**

## NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

### Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990. **Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.**

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPAs decision on your application, then you must do so within **28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA’s decision on your application, then you must do so within **28 days** of the date of service of the enforcement notice, or within **6 months [12 weeks** in the case of a **householder** or **minor commercial** application decision] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA’s decision, or any of the conditions imposed, then you must do so within **12 weeks** of the date of this notice.
- In all other cases, you will need to submit your appeal against the LPA’s decision, or any of the conditions imposed, within **6 months** of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority ( [planningappeals@midkent.gov.uk](mailto:planningappeals@midkent.gov.uk) ) and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted planning permission for the proposed development or could not have granted it without

the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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