

## The Planning Inspectorate

### COMMENTS ON CASE (Online Version)

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### Appeal Reference: APP/U2235/W/23/3321094

#### DETAILS OF THE CASE

Appeal Reference APP/U2235/W/23/3321094

Appeal By STATKRAFT UK LTD

Site Address  
Land North Of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MR NICHOLAS ANDREWS

Address  
3 Chantry Place Church Green  
Marden  
TONBRIDGE  
TN12 9HL

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
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- Other

## **YOUR COMMENTS ON THE CASE**

This is not a temporary project/licence and is too large a project for a village such as Marden. Likewise, the plan is too close to the boundaries of the village. Therefore I object to this planning application. Alternative locations should be considered.

Dear Sirs,

I wish to make the following representation into the appeal number APP/U2235/W/23/3321094 for the Statkraft Solar Farm application at Sheephurst Lane, Marden, Kent.

The application was considered at planning committee and was voted on by elected members, the application was overwhelmingly opposed with a committee vote of 12 that wanted it refused with only 1 abstention and 0 for.

The Appeal Process has now permitted the applicant to majorly revise the original scheme and I wish to complain that this has been allowed. The Planning Appeals Procedural guide says that “the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and interested parties at the application stage.” “Where amendments are proposed during the appeals process, the Planning Inspectorate will consider whether, **exceptionally**, to accept them.” Therefore it can be seen that appeal amendments should be the exception rather than the rule, which I do not believe has been applied as per the guidance in this case.

The correct way of evolving the scheme and responding the issues raised in the refusal process should be for the applicant to withdraw this appeal and submit a fresh application for Maidstone Borough Council to consider, they should not seek to do this through the appeals process.

The scheme amendments are significant and involve a substantial difference and fundamental change to the application, namely;

- (i) Relocation of the High Voltage compound further west, closer to the point of grid connection and associated attenuation and landscape screening.
- (ii) Fencing to reflect revised layout: Correction to the northern fence line development.
- (iii) As a result of the relocation of the High Voltage compound, the design optimised to minimise infrastructure: A reduction in the number of transformer stations (from 15 to 6), a reduction in the length of access tracks (from 3400m to 2700m) and a reduction in the length of fencing (from 4500m to 4037m).
- (iv) All landscape mitigation planting to be provided within the Site. Reduction in solar panels and further landscape mitigation planting to further reduce impacts upon 8 Sheephurst Cottages and the Little Cheveney Farm Listed Buildings.
- (v) Responding to planning application feedback to optimise the landscape planting and footpath: A change to the landscape planting species mix to respond to the Maidstone Landscape Character Guidelines, introducing faster growing species to secure screening more quickly. Clarification in relation to alignment of the permissive footpath to the eastern boundary of the Site in response to the Environment Agency consultation response. The permissive footpath would run through the 7m space between the security fence and the Lesser Teise.

Maidstone Borough Council should not be forced to address such scheme changes through an expensive inquiry process, they should instead be presented within a new application.

I represent local residents, who have spent a great deal of time getting involved in the original planning application, submitted representations and attending and speaking at planning committee, for procedural fairness alone, a 3<sup>rd</sup> party who commented on the original application should be able

to assume that their comment still stood as against the appeal scheme, rather than having to consider a series of amendments and if and how that affected their response.

Finally, to my mind, the appellant should follow the correct procedure, re-engage with the Council, and properly communicate with residents before submitting a new planning application.

Yours faithfully,

Cllr Claudine Russell

Marden and Yalding Ward

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Sheephurst Lane  
Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MR JAMES COLE

Address  
32  
Cogate Road  
Tonbridge  
Tonbridge  
Kent  
TN12 6UE

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### **YOUR COMMENTS ON THE CASE**

As a resident of the local area (approximately 8 miles distant) I would like to register my full support for this scheme. Renewable energy projects are vital to the local grid, national energy independence targets, and national net zero commitments.

I also find the supposed reason for rejection by Maidstone Council (damage to local food security) wholly unconvincing. There are many Solar/Agricultural combinations that would allow the land in question to produce both power and food - with sheep grazing being the most common as it produces dairy, wool, and meat while keeping the panels clear and operating at high efficiency.

That this is not being proposed currently is likely a function of how abandoned the farming industry has been over the last few years since 2016 with numerous subsidies being abolished without replacement, market access being granted to cheaper foreign products, market access to sell abroad decreased, and labour shortages. I am confident that once a coherent agricultural policy is put into place that makes food security a national goal rather than a buzzword for local NIMBY objections the economic incentives will see this land producing both food and power in a way that the objectors to this scheme are claiming will never happen.

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Appeal By STATKRAFT UK LTD

Site Address  
Land North Of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MR GRAHAM DOYLE

Address  
Brookstreet Farmhouse  
Ash  
CANTERBURY  
CT3 2NP

#### ABOUT YOUR COMMENTS

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## **YOUR COMMENTS ON THE CASE**

This is a wholly inappropriate location for such a proposal. It represents loss of very productive agricultural land at a time when food security is such an important issue. It will have a very negative impact on local ecology and wildlife in a sensitive area surrounded by no less than 33 listed buildings. The applicant has ignored the feedback and concerns of immediate residents living around the site in exactly the same way that the same applicant has done with residents at another of their solar proposals at Ash near Sandwich, Kent



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Site Address  
Land North Of Little Cheveney Farm  
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Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MRS ROWENA HARRISON

Address  
Longends Farmhouse  
Longend Lane  
Collier Street  
Marden  
TN12 9SE

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
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- Land Owner
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**YOUR COMMENTS ON THE CASE**

We object. The site is too big and the 37 year covenant is too short. There needs to be NO houses built on this land after the solar panels removed.

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Site Address  
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Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MR RICHARD HETHERINGTON

Address  
Forge House Goudhurst Road  
Marden  
TONBRIDGE  
TN12 9NG

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
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- Land Owner
- Rule 6 (6)

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## **YOUR COMMENTS ON THE CASE**

I would like to object to this proposed development as it is on a flood zone and prime agricultural land. Flooding is becoming more and more of a problem to existing properties within this rural area as more development is approved. With winters becoming much wetter due to climate change, we need flood mitigation and the current levels of development in this area are not sustainable.

I am not opposed to solar developments per se, but they must be built on either brown field sites or existing roof space rather than on prime arable land, which we require more than ever, to provide food security within this country.

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Site Address  
Land North Of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MR JONATHAN HILL

Address  
219 Forest Road  
TUNBRIDGE WELLS  
TN2 5HT

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

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**YOUR COMMENTS ON THE CASE**

I don't believe it a good use of farmland to be converted to a solar farm. Far better to put solar panels on roofs etc. It will be an eyesore.

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Appeal By STATKRAFT UK LTD

Site Address  
Land North Of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MR WILLIAM JENNER

Address  
Little Sheephurst Farm Sheephurst Lane  
Marden  
TONBRIDGE  
TN12 9NZ

Company/Group/Organisation Name S Jenner and sons farming opposite the site

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

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- Rule 6 (6)

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Other

**YOUR COMMENTS ON THE CASE**

This land should be kept in food production as the negative impact on the planet of importing food is greater than importing power



Miss Lynne Jones  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

5<sup>TH</sup> January 2024

FAO John Legg, Planning Inspector

**Sheepwash Solar Farm - Appeal Reference: APP/U2235/W/23/3321094**

**Address: Land North of Little Cheveney Farm Shephurst Lane Marden Kent**

I refer to the various objection letters and email I have sent in respect of Stakraft's planning application and appeal to MBC and the appeal inspector respectively.

I cannot understand why the planning inspector has permitted the applicant Statkraft to submit planning amendments for Sheepwash Solar Farm, which means Statkraft have been allowed to opt out of normal planning protocol, whereby any new plans should have been submitted via a new application to Maidstone Borough Council. I think this is very unfair to residents who must abide by the planning rules when applying for planning permission and totally undermines the planning process of Maidstone Borough Council (MBC) as well as MBC Planning Committee's democratic decision to refuse this planning proposal in the first place.

I highlight my concerns:

1. As stated above, I have sent objection letters opposing the planning application and appeal before the amendments were permitted, as others have done. Does this now mean that any objections to the planning application are now invalid because this case has gone appeal? I would hope that any comments made by residents prior to appeal are still valid and **will be read by the planning inspector** as Statkraft have not submitted a new planning application, and despite their amendments have not fully addressed residents' concerns.

#### **Choice of Procedure chosen by Statkraft**

2. Under the appeal approach Statkraft have only chosen to appeal under option 1. Written representations and have said no to the following under this option:
  - a) Could the appeal Inspector see relevant parts of the appeal site sufficiently to judge the proposal from public land and.
  - b) is it essential for the inspector to enter the site to check measurements or other relevant facts?
3. Why would StatKraft's preference be for just a written representation and not deem it necessary for the appeal inspector to be able to test Statkrafts own 'findings' via a site visit. If the appeal inspector cannot sufficiently judge the proposal from public land and check measurements and other relevant facts, then how can Statkraft have been able to do the same for this planning proposal?

If Statkraft felt that their plan could not be judged sufficiently from parts of public land, which were chosen because of detailed consideration of sensitive viewpoints as per their photography and

verified views and methodology document. Then surely this can go some way in supporting concerns and complaints from residents of little Cheveney Farm and residents elsewhere that their viewpoints have been excluded from the study which are important and would have demonstrated the visual impact of the proposed site from private land.

4. The appeal justifies the Solar farm being built on Little Cheveney Farm because it only takes up 7.5 percent of the total agricultural land owned by the farmer in Kent. In isolation this is a small percentage, but this Solar farm will cover 75 hectares which is almost the whole of Little Cheveney Farm and nearly the size of Marden village and will be built on a good percentage of land which is best and most versatile. Which as you are aware is against MBC local policy.

#### **The solar farm is meant to be Temporary.**

5. The development is proposed for 37 years– 37 years is longer than what is stated as temporary in MBC's Planning Policy advice note: Large Scale (>50kW) solar PV arrays, under the Planning Application Considerations section which says "Be for a temporary period only, and a maximum period of 25 years from the commissioning of the facility should be applied". 37 years is a long time to remove good agricultural land away from food production. And even though Statkraft say that the land will be returned to arable use, there is no guarantee that this will happen as policies change over time.

#### **Solar Panels - Glint and Glare**

6. The appeal mentions mitigation with new fast-growing plants and the scaling back of the number of solar panels to reduce glint and glare from vulnerable properties, but this doesn't mean that glint and glare for these properties will no longer be experienced because of these changes.

#### **The Solar Photovoltaic Glint and Glare Study**

7. The Solar Photovoltaic Glint and Glare study that was performed for this planning application is based on solar panels that are 1.84 metres high; the panels being installed will be 2.7 metres high therefore the glint and glare will be far worse than predicted by this study. How can this study therefore be used as supporting documentation for this planning application? Particularly when the study highlights that the residents of Little Cheveney Farm along with other houses that face onto the site states that reflections from the proposed development will potentially affect 45 out of the 49 houses and those two properties highlighted in their study on page 68 as numbers 43 and 44 Little Cheveney Farm, will experience glare over 3 months of the year (but less than 1 hour per day). But that most of this impact is expected to be moderate and that available imagery has shown that screening in the form of existing vegetation MIGHT reduce the views of the reflective areas for all affected properties and that planting of vegetation will mitigate the two vulnerable properties. Vegetation in and around little Cheveney farm is deciduous, which is also what Statkraft intend to plant to mitigate any views. Therefore, any screening existing or new won't be around for 365 days of the year, although Statkraft argue in their appeal that the view in winter months views will be filtered; and in their amended plan that vegetation will now be fast growing. Regardless, it will still take up to 5- 10 years for any new planting to take effect.

I therefore must question why another glint and glare study has there not been performed based on the correct height of the solar panels.

#### **The importance of a grid connection in selecting the site.**

8. The most important factor in identification for this site was a point of connection to the grid. And it is stated in the appeal's executive summary in paragraph 1.3 that significantly a point of connection is available to the grid enabling the export of renewable energy to start in approximately 2 years of granting planning permission. But in 8.64 under policy appraisal, under the sequential analysis study it says a connection should be available within a reasonable timeframe being up to 4 years. Which is correct?

This is no excuse to build on BMV land just because Statkraft consider that there are no preferred sites available with a grid connection. Proximity to the grid is not required and the Great Wilberham Solar farm in Cambridgeshire is a good example of this. The only reason this site is favourable is because it reduces connection costs and I consider this to be the main reason for site selection.

#### **Environmental Health - Noise and disturbance resulting from use:**

Battery Storage (BESS) noise Assessment 8 Little Sheephurst Cottages and Willow Cottage, Little Cheveney Farm

9. The noise assessment was refused by Environmental Health because it is not in line with DM1 and DM24 of the MBC Local Plan 2017. Because a noise test was not performed for the BESS on the NE side of the site, but this has now been removed. But 8 Sheephurst cottages was highlighted by Starkraft's noise assessment as being a noise sensitive receptor and on appeal Statkraft state that in paragraph 5.2 under amendments to the proposed development that they were not given the opportunity to respond in relation certain concerns. At the planning application stage Statkraft were given plenty of time to resubmit a noise assessment which was not done. This noise assessment was then completed in April 2023, but an actual noise test has not been performed to consider the insertion of noise attenuation panels and the relocation of the Bess storage facility away from 7 and 8 Little Sheephurst Cottages to see if there is still a noise issue. This assessment also fails to mention that there are also houses diagonally opposite who possibly could also experience noise pollution, even though a new site for the BESS has been proposed.

#### **Effect on listed buildings**

10. Paragraph 8.98 under Heritage impacts mentions a group of Grade II Listed buildings at Little Cheveney a farmhouse, a barn and two Oast houses. There are 4 Oast houses on Little Cheveney farm. In total there are 10 residential dwellings.

It also mentions that it is unlikely that the solar farm will be seen from Little Cheveney. Certainly, a new house being built called Willow Barn for which the impact of this site has not been considered will have the closest views of the solar farm. The remaining properties on the Eastern side of Little Cheveney Farm whose windows face North and East will certainly have a Birds Eye view of the solar panels facing South, including from their gardens.

#### **Effect on listed Buildings**

11. The photography conveniently does not consider the views towards or from 6 Grade II listed residential buildings that reside on Little Cheveney Farm, four of which are Oast houses. These listed buildings like any historic structure are focal points in the countryside; and contribute to the historic landscape which is seen by those walking the public footpaths as well as being enjoyed by residents. These building were farm buildings and their setting of residing on farmland is of major importance and contributes to this setting. A massive solar farm will impact this view in a detrimental way, and

it doesn't seem to matter that residents' views across open countryside which they enjoy today will be diminished by the solar farm and the planting of vegetation.

**Material Planning Considerations Noise, Smells and Disturbance resulting from use Ecology - Threat to wildlife / Prevent free movement of wildlife due to fencing.**

12. Mitigation for most wildlife is mentioned and 'justified' with Statkraft arguing that "animals will be free to roam outside the fenced area of the development and that there will be small gaps for small mammals to pass through the site". But this prevents how they transverse the land today and is a poor compromise but this also contravenes MBC's document (Planning and policy advice note: Large scale (50>kW) Solar PV arrays) which states that 'appropriate measures should be in place to facilitate continued access by larger mammals, such as badgers and foxes' to pass through the site. Nothing has changed in this regard.

The proposed plan has been amended in the appeal to try and meet the planning committee's objections, but no further studies have been applied to test any of the proposed changes. For example, a new glint and glare study on the correct height of the solar panels has not been done. Also there has been no request by Statkraft to speak to residents who reside in or around little Cheveney Farm to get permission to gain access to private property to understand viewpoints from private land or to do any noise tests from the properties that are potentially affected to complete a more informed study. This just highlights the lack of engagement with the local community which doesn't seem important to Statkraft. The only communication we had from Statkraft was their letter of 1<sup>st</sup> December notifying us that some amendments can be made to the proposed development. I do not feel that the amendments have really tried to address any of the concerns raised by residents, MBC and counsellors.

Moving towards green energy is important for the planet and I am well aware of the need to produce alternative energy, but solar panels should be placed on brownfield sites, warehouses, office blocks, business parks and new houses. Not on land where a good percentage is BMV. Our agricultural land is a finite resource, and we need to look after it for the next generation and generations to come.

I strongly object to this appeal.

Regards

Lynne Jones

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Kent  
TN12 9SD

#### SENDER DETAILS

Name MR JAMES MACEY

Address  
1 EDWIN VILLAS  
GOUDHURST RD  
MARDEN  
kent  
TN12 9JX

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

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- Rule 6 (6)

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## **YOUR COMMENTS ON THE CASE**

I am 100% in opposition to this oversized solar farm. This village has already been hit with a lot of new housing in recent years - causing much more regular flooding year by year. This solar farm will add to these flooding problems causing all sorts of problem for the environment and the residents and the farmers etc..... Building on a flood plane is crazy, it is called a flood plane for a reason. Also this land is prime farming land - we need to retain this valuable asset within our community. This application has been rejected once already. So that should be that - or can an applicant keep re-applying until a large enough incentive results in planning approval? It is a crazy system.

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Land North Of Little Cheveney Farm  
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Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MR JOHN MARTIN

Address  
8 Little Sheephurst Cottages  
Sheephurst Lane  
Marden  
Kent  
TN12 9NZ

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**YOUR COMMENTS ON THE CASE**

I attach my two letters about this appeal - setting out my view that the original decision to reject it was the right one and that it should be upheld .



**COMMENT DOCUMENTS**

**The documents listed below were uploaded with this form:**

**Relates to Section:** REPRESENTATION  
**Document Description:** Your comments on the appeal.  
**File name:** John Martin Solar Appeal Letter 03.01.2024.pdf  
**File name:** John Martin Solar Appeal Letter 17.10.2023.pdf

**PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US**

8 Little Sheephurst Cottages  
Sheephurst Lane,  
Marden,  
Kent  
TN12 9NZ

Date 03/01/2024

Dear Mr Legg,

**Ref:APP/U2235/W/23/3321094 Proposal: 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. Location: Land North Of Little Cheveney Farm Sheephurst Lane Marden**

I wish to add further to my original comments made on this case and my letter of 17<sup>th</sup> October 2023.

Nothing in the additional documentation from Statkraft and their consultants changes my view on this matter.

Therefore I would again again urge you to reach the conclusion that maintains Maidstone Borough Councils rejection of this plan in both its original and revised form

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Martin', is written over a horizontal line. The signature is stylized and cursive.

**John Martin**

8 Little Sheephurst Cottages  
Sheephurst Lane,  
Marden,  
Kent  
TN12 9NZ

Date 17/10/2023

Dear Mr Legg,

**Ref:APP/U2235/W/23/3321094 Proposal: 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. Location: Land North Of Little Cheveney Farm Sheephurst Lane Marden**

I wish to add further to my original comments made on this case.

In short, I support Maidstone Borough Council's decision to reject this application and would ask that this decision is supported at appeal and that it continues to be rejected both in it's original and revised form.

In particular: -

#### **Process**

- Statkraft appear to introduce a revised plan in the appeal process whilst they had ample opportunity to do this during the original application and consultation as it was clear from the many objections the resistance to this proposal.
- This has meant that we have had insufficient opportunity to consider its implications and to consider need for further reports such as our own glint and glare study and heritage assessment.
- On a simplistic level that they have chosen to do this I believe supports the original decision by Maidstone Borough Council to reject their original proposal.
- If they want to propose a revised solar farm then I believe they should start the process again with proper consultation etc. without trying to introduce this revised proposal by "stealth" as part of the appeal process

Given that the waters are now muddied with the introduction of this revised plan and documents I have no option but to make these further comments in relation to what I've been able to establish online: -

#### **The Revised Plans**

- Whilst I'm grateful that the revised plans remove the solar farm from the field adjacent to my property it is still of a scale and magnitude that will impact me and my property.

- From what I can see all of the revised reports and documentation completely fail to acknowledge its impact on the property #7 adjacent to mine.
- This is high quality agricultural land that is inappropriate for such a project despite its proximity to the power grid.
- Even in its revised form this solar farm will have adverse impact on many properties as well as my own including adverse impact on heritage, glint and glare and increased flood risk.
- To “disguise” the considerable impact of this proposal a large amount of mitigation planting is going to be required. This will take many years to fully establish itself, will completely change the aspect of the open countryside and bring with it increased risks such as flooding etc.
- I believe all of this is evidenced in stark contrast to the Bockingfold Solar Farm which is just 700 metres from this proposal This was granted planning permission by Tunbridge Wells Borough Council on 22 December 2022 Planning Ref 22/02773/FULL.
  - This is of similar scale and size to this proposal and encountered minimal objection.
  - It is of lower grade agricultural land, will not be visible, does not require mitigation planting and causes no flood risk.
  - Unlike this proposal it is a suitable location for such an initiative.

### **Conclusion**

I do not believe that this is nimbyism, as many others have said, this is the wrong project in the wrong location.

I believe that we should be looking for alternative energy sources and that solar farms are one of them.

I believe there is scope for a much smaller solar farm in this location that is closer to the railway line and with suitable flood mitigation- however, this is not what is being proposed.

In the light of this I would urge you to reach the conclusion that maintains Maidstone Borough Councils rejection of this plan in both its original and revised form

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Martin', written over a horizontal line.

**John Martin**

## The Planning Inspectorate

### COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

**Appeal Reference: APP/U2235/W/23/3321094**

#### DETAILS OF THE CASE

Appeal Reference APP/U2235/W/23/3321094

Appeal By STATKRAFT UK LTD

Site Address  
Land North Of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MR & MRS DUNCAN AND VICKEY PETRIE

Address  
Bottom Oast, Little Cheveney Sheephurst Lane  
Marden  
TONBRIDGE  
TN12 9NX

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

**COMMENT DOCUMENTS**

**The documents listed below were uploaded with this form:**

**Relates to Section:** REPRESENTATION

**Document Description:** Your comments on the appeal.

**File name:** Objections to the Appeal on Sheepwash solar Jan24.docx

**PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US**

Bottom Oast  
Little Cheveney  
Sheephurst Lane  
Marden  
Kent  
TN12 9NX

3<sup>rd</sup> January 2024

Dear Mr Legg,

**Re: Case APP/U2235/W/23/3321094, land north of Little Cheveney Farm**

We are writing to object to the proposed Sheepwash Solar Farm. This case was refused by the local planning authority of Maidstone Borough Council in October 2022, for reasons which we believe remain completely pertinent despite the amendments. Our objections can be summarised as follows:

**1) Loss of prime agricultural land:** The proposed land is too valuable, and the developer has made inadequate efforts to scope alternative sites to warrant the loss of this prime land to solar. None of the amendments consider adapting the position of the arrays in relation to productivity grading, and in fact present a worsened picture with the required extensive mitigations instead being located on prime areas. The site is graded best and most versatile grade 2 and 3a with the remaining half moderately good grade 3b. It is overall "*not relatively low grade*" as falsely claimed by Statkraft. See figures 1 and 2. This was one of the key reasons for refusal by the LPA who cite "The proposal is 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 grade. The proposed use of the best and most versatile agricultural land has not been adequately demonstrated to be necessary."

With respect to the alternative site scoping exercise, the developer has imposed so many limitations, the output is not sufficiently robust. In fact we would agree it appears more a "*self-serving*" exercise as cited by Peter Radmall on behalf of Maidstone Borough Council. We consider the following most notably: the narrow geographical search area for viable overhead connectivity, see figure 3, which measures 12km in length against the entire network of cabling in Kent (see figure 3) and a total of 46,000km nationally; the preferential selection of areas owned by only one landowner rather than two or more to circumvent the additional administration; the lack of even basic soil sampling to delineate soil grading between grade 3a and 3b areas and therefore lower grade land being readily dismissed; the further dismissal of areas that do not measure the same area even though the footprint for the Sheepwash arrays *minus* mitigations is only 45 hectare; and lastly sourcing brownfield sites only through a desk-top search and no direct engagement with local authorities.

The Government Food Strategy makes it clear we have to "*deliver a sustainable, nature positive, affordable food system...*" on domestic land<sup>i</sup>. Solar farms "*should be limited to brownfield land and poorer quality unproductive land*"<sup>ii</sup>, of which Kent has plenty of

alternatives. The scoping exercise of alternative sites undertaken by Statkraft is so limited as to be fundamentally flawed, therefore we consider that the reason for refusal as previously cited by the LPA remains valid.

**2) Adverse heritage impact:** It is reportedly critical that solar farm installations should not be near valued landscape or historic buildings<sup>iii iv</sup>. Equally, the proposals should not *“fundamentally alter the landscape in a contrived way to seek to accommodate the solar panels... Screening development from view does not negate harm to the intrinsic qualities of the landscape or make otherwise harmful development acceptable.”* (The Planning Inspectorate comments rejecting Great Pagehurst Farm Solar farm Ref 13/1456)<sup>v</sup>. In the area of Little Cheveney at the centre of the proposal, there are at least five listed properties of historical significance that would directly overlook the proposed solar farm. There are a further 33 listed properties in direct association with the site altogether. Their views will be blighted by the 2.4m perimeter fence, 5m CCTV cameras, 3m high bunds and glare from solar arrays. The mitigating planting cannot meet the requirement to either provide all-year screening without the use of evergreens which are not native to the area, and as such planting will be completely incongruent. We believe the developers have undervalued the impact on heritage assets with their own LVIA and there are a number of inconsistencies between the reports from either side. There has also been no apology in relation to the proposed (but illegal) planting on our land and note that this planting is still evident in photomontage of viewpoint 1 (see figure 4) **which we strongly request to be discounted**. The developer has since made an amendment to place all planting within the red boundary of the site, which is correct but should never have been an issue and should not be considered as an amendment that makes the proposal any more agreeable.

Mention is also made in Alison Walter’s report on behalf of Statkraft of *“an attempt to take a verified view within the little Cheveney complex was prevented by a resident who requested that we leave”* which is incredibly poor given that there was no previous written request to legally access private land as would be required. It shows the lack of engagement with residents as was typified by the poor pre-planning consultation also conducted by Statkraft. *“Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.”* (NPPF, 2021<sup>vi</sup>). In the first planning round, only 11 responses were received in response to leafleting by Quatro on behalf of the developer. A return of 1.9%, which is not surprising given that a number of homes (ourselves included) never received such leaflets. Therefore we do not believe Statkraft and their delegates demonstrate effective and proactive engagement with the community, preferring progression of this proposal by stealth and showing only limited awareness and appreciation for the impact on heritage assets. We believe the reasons for refusal as previously cited should remain upheld but would welcome you to visit and observe the site from the perspective of the Little Cheveney farm estate if this was of benefit.

**3) Adverse ecological impact:** To further read that the development will have a “net gain” on biodiversity is pure greenwashing. The site encloses on three sides an ancient woodland home to countless native species including owls, badgers, adders and migrating nightingales. There is also an unclassified but significant parkland with similar ecology. The



fields themselves are home to a population of skylarks. Nearby pondlife is home to great crested newts, water voles and wildfowl. There are migrating birds such as swallows and swifts plus a great number of bats. Wildlife will experience significant displacement, further compounded by the removal of interconnecting wildlife corridors. It is however agricultural land and farmed as such, therefore any proposed biodiversity gain needs to be weighed up against the ecology of the current systems and at a species level. No planning has been made for the skylark specifically, and we would argue that the wildlife corridors to connect the parkland and woodland be insufficient. There is also a significant pinch point toward the lower south-east corner of the site adjacent to the Lesser Teise (river) which we would argue is closer than 8 metres to the riverbank and likely to cause significant disturbance to wildlife here. The land is also already classified as at severe risk of flooding, and the proposal will have a huge knock-on effect with surface water run-off into the nearby Lesser Teise, and nearby housing could see an even bigger increase in flooding. We are not sufficiently reassured that the flooding risk has been addressed, see figure 5 for more information of flooding across the site as per the Kent County Council's flood risk zones. The Maidstone Local Plan states that there are "*strict controls on the location of development within Flood Zones 2 and 3*". This is also set out in NPPF which states that "*inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)*". For these reasons, we believe the appeal should be refused.

To conclude, Statkraft have put forward a proposal for renewable energy at a time when the cost of living and the security of both food and energy is omnipresent. As such they place great emphasis on the need for green energy as the trump card to all and any objection. However the urgency for green energy should not bulldoze best and most versatile growing land, diminish existing assets of our heritage and simply must not cause harm to our ecology and communities alike. On the weighted balance of this, Sheepwash solar farm should be **REFUSED**.

As mentioned before if a site visit onto the private land of Little Cheveney would be of benefit then please do get in touch.

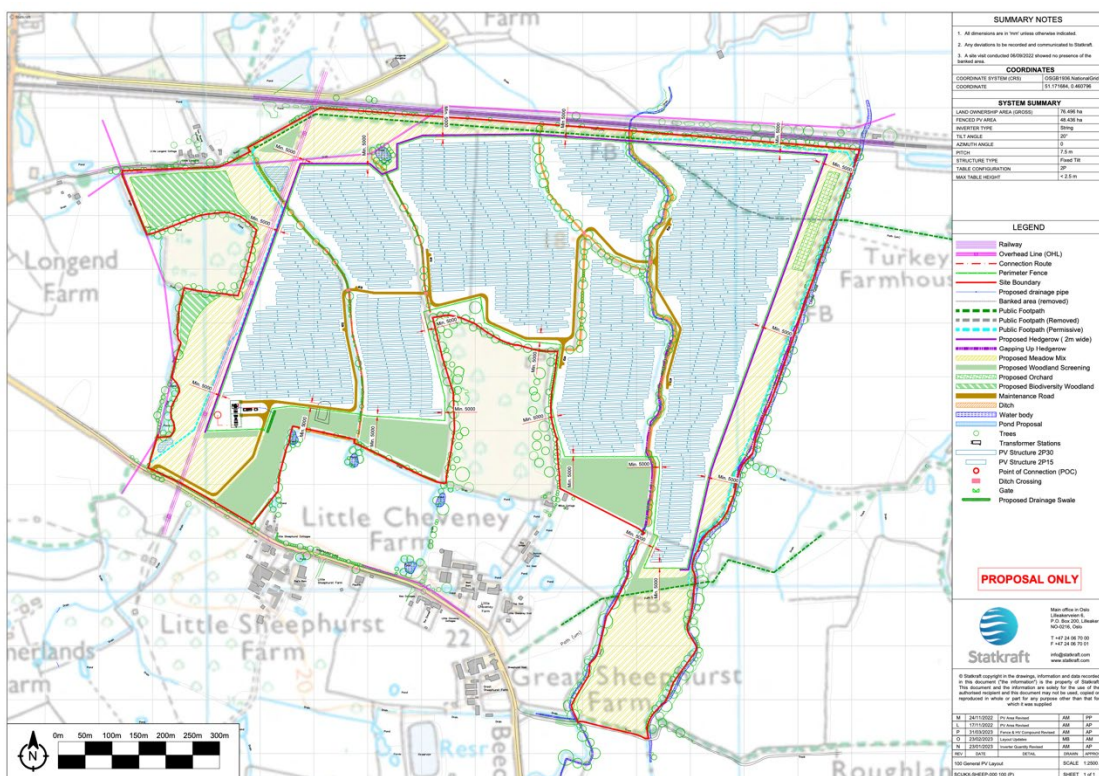
Yours sincerely,

Vickey & Duncan Petrie

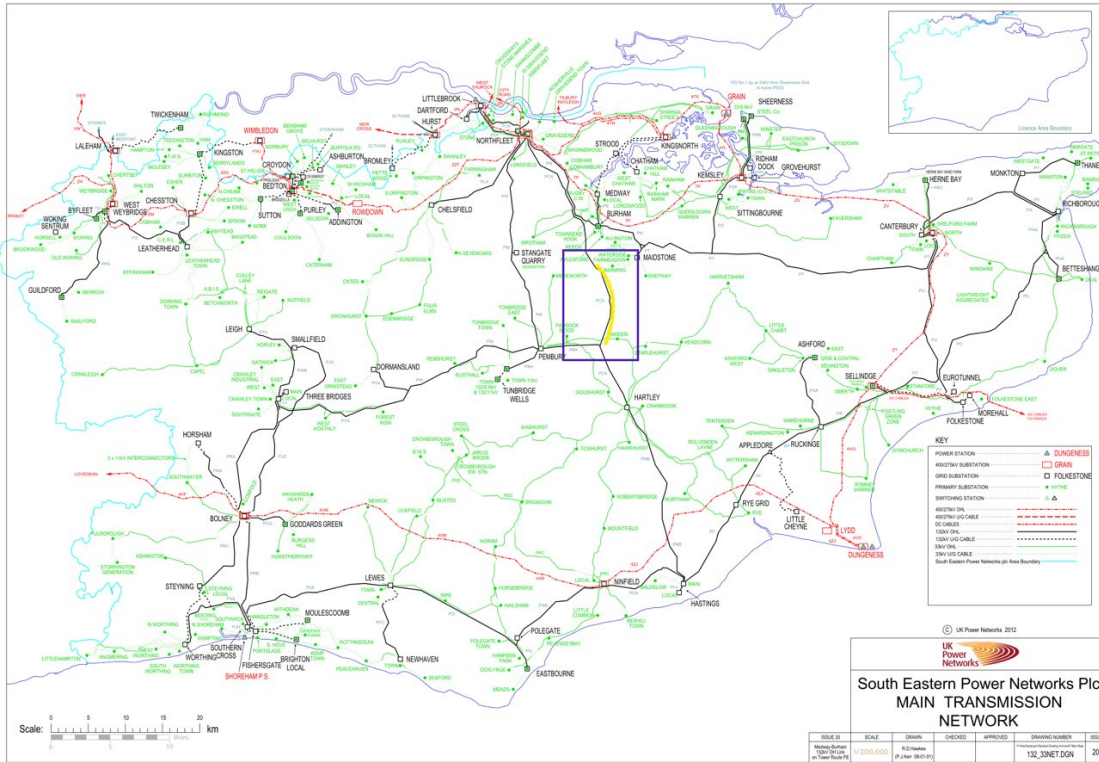
# Figures



**Figure 1: Land classification of the proposed Sheepwash solar farm site as presented by Statkraft, October 2022.**



**Figure 2: position of the solar arrays and mitigations for the amended proposed Sheepwash solar farm site, January 2024.**



**Figure 3: limited search area for the alternative site scoping exercise undertaken by Statkraft shown as yellow within the boxed area against the entire overhead network in the region of Kent.**



**Figure 4: false photomontage presented by Statkraft showing illegal planting on our land circled red. This should be discounted.**

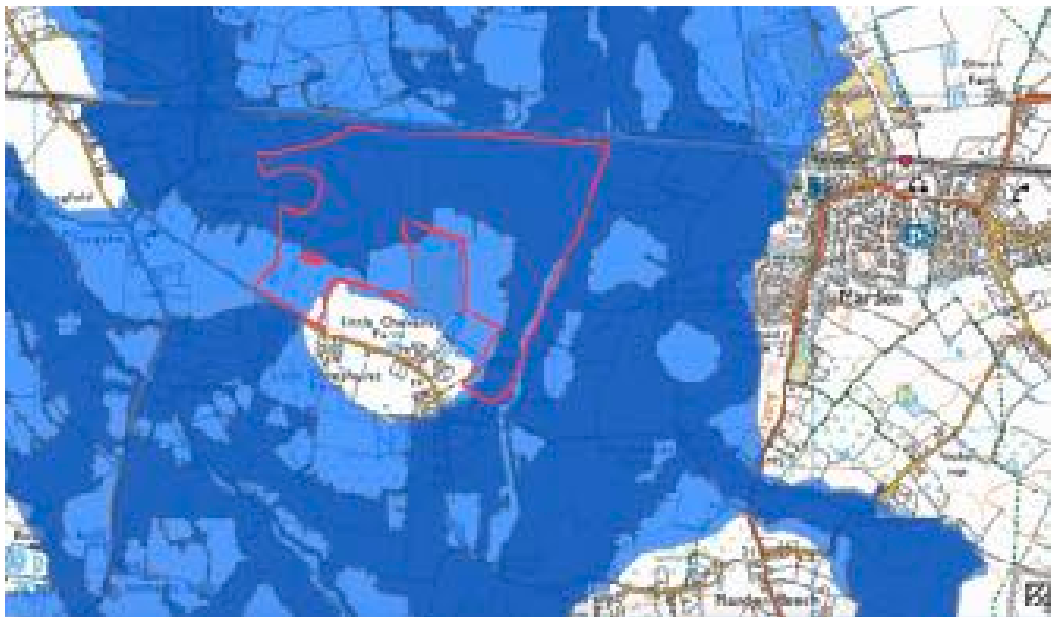


Figure 5: Kent County Council flood zones as overlaid onto the proposed site with HV compound in red. Dark blue area is flood zone 3, light blue zone is flood zone 2.

## Citations

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- <sup>i</sup> <https://www.gov.uk/government/publications/government-food-strategy>
- <sup>ii</sup> <https://www.cpreherts.org.uk/wp-content/uploads/sites/30/2021/10/The-Problem-with-Solar-Farms.pdf>
- <sup>iii</sup> <https://www.cpreherts.org.uk/wp-content/uploads/sites/30/2021/10/The-Problem-with-Solar-Farms.pdf>
- <sup>iv</sup> <https://www.planningresource.co.uk/article/1690297/solar-farm-ruled-landscape-heritage-grounds>
- <sup>v</sup> [https://pa.midkent.gov.uk/online-applications/files/D5A0EE5AF545F4923783093415D5E7/pdf/13\\_1456--3965987.pdf](https://pa.midkent.gov.uk/online-applications/files/D5A0EE5AF545F4923783093415D5E7/pdf/13_1456--3965987.pdf)
- <sup>vi</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

## The Planning Inspectorate

### COMMENTS ON CASE (Online Version)

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**Appeal Reference: APP/U2235/W/23/3321094**

#### DETAILS OF THE CASE

Appeal Reference

Appeal By

Site Address

#### SENDER DETAILS

Name

Address

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

## **YOUR COMMENTS ON THE CASE**

I support the installation of solar panels BUT NOT on agricultural land which is going to be even more valuable and needed in future to grow more of our food requirements in the UK.

I know that solar panels can be removed in future but this is unlikely as the cost of doing so would be prohibitive.

**Subject:** Further query on flood risk following inquiry day 5 discussion 19/01/24, Appeal Reference APP/U2235/W/23/33210094

Dear Mr Major, Planning Inspector, *c/o John Legg,*

**Re: Further query on flood risk following Inquiry day 5 discussion 19/01/24, Appeal Reference APP/U2235/W/23/33210094**

Following the third party verbal representation given by my neighbour Sarah Springhall, and the subsequent discussion regarding flooding at the inquiry, I have further queries which I would like to raise in addition to my own previous third party representation. Particularly as you have yet to be sighted on the complete Brooks Farm residents' collective objection.

In their letter dated 01/07/22 Flood and Water Management plan, Kent County Council Flood request the developer's to produce a detailed sustainable surface water scheme following discussion with the Environment Agency on connecting to the Lesser Teise and building on a flood zone; and Medway Internal Drainage board with regard to managing run off water. This was to ensure there would be no risk of exacerbating the risk of on/off site flooding and minimising the flood risk to users of the land and neighbouring land. **[Query 1 - have you been sighted on such a scheme?]**

Subsequent response from the Medway drainage board on the 05/07/22 stipulates that no planning should be approved before the following consents are approved:

1. Byelaw 3 in relation to the discharge of surface water and foul water into the water course.
2. Byelaw 10 for works within 8metres of the watercourse.
3. Section 23 Land Drainage act and Byelaw 4 in relation to access crossings.



4. Byelaw 17 in relation to altering riverbanks, installing services, creating tracks and installing fences.

**[Query 2 - were these consents ever obtained?]**

In their response dated 22/09/22 (attached), the Environment Agency OBJECT to the proposal for reasons that *'there is a significant risk that the development may cause deterioration of water body status through preventing achievement of good ecological potential by increasing disturbance, the likelihood of plastic waste entering the watercourse and the modification of naturally occurring riparian habitats and species... This objection is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognises that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.'*

As highlighted by a number of objections, but specifically those of the eleven residents at Brooks Farm (attached), there is significant anxiety that the potential increased flood harm to properties has been overlooked, the necessary consents have not been sought and the proposal is continuing with the plan to install fences and relocate a PROW well within the 8m buffer zone of the Lesser Teise (as per Statkraft letter attached). **[Query 3 - are you aware of the plan for building and a relocated PROW less than 8m from the riverbank of the Lesser Teise, and are you sufficiently reassured about the flood risk impact on neighbours?]**

**To me the proposal remains wholly unacceptable, and I therefore ask that the appeal be REFUSED on the basis that these severe and prescient flood risks have not been addressed, nor the legal and ecological considerations as requested by the Environment Agency and Medway Drainage board, in the appeal and amendments. To approve such a proposal will open the flood gates (literally) for further scrupulous destruction of our beautiful countryside.**

Yours sincerely,

Vickey Petrie  
Bottom Oast  
Little Cheveney  
Sheephurst Lane  
Marden  
TN12 9NX

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DPC:76616c646f72



Maidstone Borough Council  
Development Control Section  
Maidstone House King Street  
Maidstone  
Kent  
ME15 6JQ

**Our ref:** KT/2022/130032/01-L01  
**Your ref:** 22/501335/FULL  
**Date:** 22 September 2022

Dear Planning Team,

**Installation of a renewable energy led generating station comprising of ground-mounted solar 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**

**Land North Of Little Cheveney Farm, Sheephurst Lane, Marden, Kent**

Thank you for consulting us on the above application.

The submitted planning application and associated documents indicate that the creation of a public footpath is proposed within eight metres of the Main River, the Lesser Teise, as part of this development. These activities will require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016, which is unlikely to be granted for the current proposal.

We therefore **object** to the proposed development, due to its impacts on ecology and physical habitats. We recommend that planning permission is refused.

**Reasons:**

In determining the flood risk activity permit for this development, we will assess its compliance with the South East River Basin Management Plan (RBMP). We'll also consider how the development will affect water biodiversity and the wetland environment. The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies.

Based on the information submitted with this application, there is a significant risk that the development may cause deterioration of water body status through preventing achievement of good ecological potential by increasing disturbance, the likelihood of plastic waste entering the watercourse and the modification of naturally occurring riparian habitats and species, and therefore, may not meet the requirements of the Water Framework Directive unless the provisions of **Article 4.7** of the Water Framework Directive can be met.

This objection is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

**Overcoming our objection**

To overcome our objection, updated drawings of the proposed site are to be submitted for consultation. The updated drawings must clearly indicate that the applicant has considered the 8m buffer zone.

Should you wish to discuss these matters further, please contact me via the email below.

Yours faithfully,

**Mr David Sankar**  
**Planning Advisor**

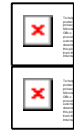
KSLPLANNING@environment-agency.gov.uk

From: Zsa Moncreiffe [REDACTED]  
Sent: 16 October 2023 21:52  
To: Legg, John  
Subject: REF: APP/U2235/23/3321094



Zsa Moncreiffe [REDACTED]

7:02 PM (2 hours ago)



to john.legg



**Proposal: 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. Location: Land North Of Little Cheveney Farm Shephurst Lane Marden**

Dear Mr Legg,

We, being residents of properties at Brook Farm, Green Lane, Marden, are writing to raise our objections to the appeal of the solar farm known as Sheepwash Solar Farm by developer Statkraft.

We live in a number of properties at Brook Farm, which lies approx. 500m North of the proposed solar farm. This area is in flood zone 3 and we have experienced an increase in flooding to our properties in recent years. Every year the ground becomes saturated, with the River Lesser Teise breaking its banks with increasing frequency, which has in the past has resulted in flooding to some of our properties. Indeed, when we flood, so often do Collier Street, Yalding and other communities.

It should be noted that when the river floods, the roads flood too. We are cut off – making it impossible for emergency vehicles to access us.

Any acceleration in the rate of water run-off from local fields or increased volume of water into the Lesser Teise will result in yet further flooding to our homes. At the moment rainwater on the site of the proposed solar farm is soaked up by crops, the clay soil is aerated with ploughing, whilst land drains discharge extra run off from the site into the Lesser Teise. The Lesser Teise which borders the Eastern side of the site, flows north towards Brook Farm. Managing the water flow and level is a very delicate balance, and we do not believe that the plans have mitigated the possibility of increased flooding for surrounding properties, including those who reside at Brook Farm. Our reasons for this are as follows:

1. Accelerated run-off during construction period. Clay soil will be compacted and we understand soil will be removed. Land drains will be disrupted due to the piling required for the installation of the solar panels. With no crops or vegetation to soak up the water, no ploughing to aerate the clay soil, there will be increased run-off from the fields into the river, and will therefore increase flood risk.
2. Increased and accelerated run-off from solar panels with no allowance for trenches to collect and distribute the water uniformly. Rainwater will run off the panels in a sheet-like manner (similar to water running off a roof), compact the clay soil and cause channels to form, accelerating flow of water into the river. A solar panel is a solid surface and therefore it is not possible for the rain falling on the panels to “immediately drop onto the existing soft landscaping under the panels” as stated in the JBA Consultant report.
3. In December 2013 there was widespread flooding in the area. The banks of the Lesser Teise broke and the fields on the Eastern side of the proposed solar development were completely underwater. Our concern is that in the event of another flood such as this (which we believe is inevitable), the fencing alongside the river will trap floodwater debris from the river, which will then act as a barrier and force the increased river water volume to flow towards our properties instead of allowing the water to spread out evenly across the fields which serve as a flood plain.
4. It is stated in the JBA Consultant assessment “As the development will introduce areas of impermeable surfacing to the site, there will be changes to the rates and volumes of surface water run-off generated within the application boundary in comparison with the existing Greenfield site”. Whilst hardstanding run-off will be managed with swales, access tracks will enable run-off onto Greenfield site which will accelerate water flow into the Lesser Teise which will also increase flood risk to our properties. We feel the potential harm to our properties has been overlooked.

#### CONCLUSION

It is our position that this solar farm development will increase the flood risk to our homes (as well as to other communities down river), thus causing significant harm. This is therefore contrary to national and local planning regulation and we urge you to uphold Maidstone Borough Council’s decision to refuse development.

Clive Allcorn and Angela Pratt– 2 Forstal Cottages  
Patrick Dighton – the Black Barn, Brook Farm

Mark and Lynn Gadsby – Brook Oast Place, Brook Farm  
Chris and Jacqui Griffiths – Brook Oast, Brook Farm  
Mark and Zsa Moncreiffe – Brook Farmhouse  
Patrick and Pam Watts – the White Barn, Brook Farm

---





POSTAL ADDRESS:  
Statkraft UK Ltd  
19<sup>th</sup> Floor  
22 Bishopsgate  
London  
EC2N 4BQ

INTERNET:  
[www.statkraft.co.uk](http://www.statkraft.co.uk)

E-MAIL:  
[ukprojects@statkraft.com](mailto:ukprojects@statkraft.com)

1<sup>st</sup> December 2023

Dear neighbour,

**Sheepwash Solar Farm – Appeal reference APP/U2235/W/23/3321094**

I hope this finds you well. I am writing in relation to our proposal for Sheepwash Solar Farm, on land at Little Cheveney Farm between Claygate and Marden.

As you may be aware, a planning application for the site was refused by Maidstone Borough Council's Planning Committee in October 2022. Despite this, we still believe that our proposal can deliver significant benefits, helping to tackle the climate crisis while enhancing biodiversity and investing in the local community. As a result, we have submitted an appeal against the refusal to the Planning Inspectorate.

As part of the appeal process, the Inspector has agreed that some amendments can be made to the proposed development and considered during the appeal. These reflect changes which we had looked to make to the development before a planning decision was taken by the council's Planning Committee. However, the amendments were not accepted prior to the Planning Committee meeting in October 2022, which considered our application.

If all the proposed amends were to be approved the scheme would deliver:

- 57% Biodiversity Net Gain
- 1.8 hectares of new woodland and a community orchard
- 5 hectares of woodland planting, principally for visual screening
- 1.5km of new hedgerows
- 46 MW of installed solar energy, equivalent to the needs of over 15,000 homes

**Consultation on scheme amendments**

We are now consulting local stakeholders on the amendments below, which have also been available to view on the Council's website since April 2023, and welcome any comments that you may have on these which include:

- (i) To minimise noise and potential visual impact: Relocation of the High Voltage compound further west, closer to the point of grid connection and associated attenuation and landscape screening.

- (ii) Fencing to reflect revised layout: Correction to the northern fence line of the development.
- (iii) As a result of the relocation of the High Voltage compound, the design optimised to minimise infrastructure: A reduction in the number of transformer stations (from 15 to 6), a reduction in the length of access tracks (from 3400m to 2700m) and a reduction in the length of fencing (from 4500m to 4037m).
- (iv) Opportunity to minimise visual impact and enhance biodiversity: All landscape mitigation planting to be provided within the Site. Reduction in solar panels and further landscape mitigation planting to further reduce impacts upon 8 Sheephurst Cottages and the Little Cheveney Farm Listed Buildings.
- (v) Responding to planning application feedback to optimise the landscape planting and footpath: A change to the landscape planting species mix to respond to the Maidstone Landscape Character Guidelines, introducing faster growing species to secure screening more quickly. Clarification in relation to alignment of the permissive footpath to the eastern boundary of the Site in response to the Environment Agency consultation response. The permissive footpath would run through the 7m space between the security fence and the Lesser Teise.

Further details of the proposed amendments, along with our original application can be found at our project website [www.statkraft.co.uk/sheepwash](http://www.statkraft.co.uk/sheepwash)

To participate in the consultation, you can submit your comments by:

- Making a representation online through the Planning Inspectorate's Appeal Portal by visiting <https://acp.planninginspectorate.gov.uk> and entering the scheme reference number **APP/U2235/W/23/3321094**.

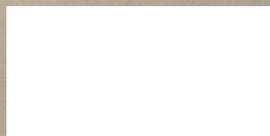
OR

- Emailing the Planning Inspectorate at [john.legg@planninginspectorate.gov.uk](mailto:john.legg@planninginspectorate.gov.uk), quoting the reference number **APP/U2235/W/23/3321094**

Please ensure that any comments are submitted by **Friday 5<sup>th</sup> January**.

If you have any questions about the amendments to the proposals or general enquires about Sheepwash Solar Farm, please don't hesitate to get in touch by contacting our community liaison team via email on [ukprojects@statkraft.com](mailto:ukprojects@statkraft.com) or freephone 0800 772 0668.

Yours sincerely,



Mark Henderson  
Senior Project Manager



## The Planning Inspectorate

### COMMENTS ON CASE (Online Version)

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### Appeal Reference: APP/U2235/W/23/3321094

#### DETAILS OF THE CASE

Appeal Reference APP/U2235/W/23/3321094

Appeal By STATKRAFT UK LTD

Site Address  
Land North Of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MR TERRY REEVES

Address  
6 Little Sheephurst Cottages Sheephurst Lane  
Marden  
TONBRIDGE  
TN12 9NZ

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
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What kind of representation are you making?

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- Interested Party/Person Correspondence
- Other

**YOUR COMMENTS ON THE CASE**

Area of outstanding natural beauty and grade A farming land there are already solar panel farms locally. Wildlife in this area is in an abundance and some species are protected newts bats adders etc

## The Planning Inspectorate

### COMMENTS ON CASE (Online Version)

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### Appeal Reference: APP/U2235/W/23/3321094

#### DETAILS OF THE CASE

Appeal Reference APP/U2235/W/23/3321094

Appeal By STATKRAFT UK LTD

Site Address  
Land North Of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MR CLIVE RICHARDSON

Address  
4 Church Farm Cottages  
Collier Street  
TONBRIDGE  
TN12 9RT

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

## **YOUR COMMENTS ON THE CASE**

Whilst I acknowledge the need for green energy and am very pro sustainability I feel this also applies to our requirement to feed ourselves and converting huge swaths of agricultural land to solar is not a sensible plan. This area already has large solar farms on former agricultural land towards Paddock Wood and a solar farm has been approved on land almost next door (at Bockingfold Farm) to this application. More creativity is required to add solar generation to existing buildings & infrastructure without loosing existing agricultural land.

## The Planning Inspectorate

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Appeal Reference APP/U2235/W/23/3321094

Appeal By STATKRAFT UK LTD

Site Address  
Land North Of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MR ALEX RIDINGS

Address  
3-4 Swallows Brook Cottages  
Cooper Street  
Canterbury  
Kent  
CT3 2NW

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
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- Interested Party/Person Correspondence
- Other

## **YOUR COMMENTS ON THE CASE**

This proposed monstrous project will be incongruous with the landscape, and this is an unnecessary removal of our valuable countryside.

What is the local benefit? There is none.

Brownfield and existing commercial sites present a far better alternative to destruction from a company with a reputation for poor and misleading consultation and disregard for local benefit.

## The Planning Inspectorate

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#### DETAILS OF THE CASE

Appeal Reference APP/U2235/W/23/3321094

Appeal By STATKRAFT UK LTD

Site Address  
Land North Of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MR JONATHAN SAUNDERS

Address  
16 Gladstone Road  
BROADSTAIRS  
CT10 2HZ

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

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## **YOUR COMMENTS ON THE CASE**

The provision of renewable energy is a matter of national infrastructure and energy security. The decision on where and whether these farms are built should rest principally with National bodies, not Parish Councillors and residents.

The objections to this solar farm rest on little more than nimbyism. Concerned about "food security" come from the mouths of those who know little about it and certainly weren't concerned about until this application.

Kent is ideally suited to solar energy production, it would be irresponsible to not exploit that to the fullest degree. The concern that the farm "won't lower local energy prices" is spurious. There is no such thing as local energy prices, and it will certainly work to lowering national energy prices.

If we wish to leave our children a world fit to live in, we must build it. To fail in this because "we don't want solar panels in that nice field near us," is shortsighted in the extreme.



## The Planning Inspectorate

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**Appeal Reference: APP/U2235/W/23/3321094**

#### DETAILS OF THE CASE

Appeal Reference APP/U2235/W/23/3321094

Appeal By STATKRAFT UK LTD

Site Address  
Land North Of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MRS DEBORAH SIVYER

Address  
2 Claygate Cottages Claygate  
Marden  
TONBRIDGE  
TN12 9PL

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
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- Other

## **YOUR COMMENTS ON THE CASE**

There needs to be a balance between progress for the sake of our planet's sustainability, and the long term future effects it will have. Removing a significant portion of good farmland in our ever diminishing countryside is a sin. There are many under used, poor pastures where these sites could be placed. The pressure in our country to provide food for an ever increasing population grows daily. Also ruining the view of our beautiful Kent countryside is a big mistake that we and our future generations will have to live with. It is not critical to place it here when there is already a new plant planned nearby which we backed. it's not a case of 'not in our back yard'. Common sense must come into play.

## The Planning Inspectorate

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**Appeal Reference: APP/U2235/W/23/3321094**

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Appeal Reference APP/U2235/W/23/3321094

Appeal By STATKRAFT UK LTD

Site Address  
Land North Of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MR HOWARD SMITH

Address  
8 Hop Pocket Way  
Headcorn  
ASHFORD  
TN27 9AF

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
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- Other

## **YOUR COMMENTS ON THE CASE**

I think this development is totally wrong for the area. This is farmland for grazing sheep or crops not industrial scale power generation. These types of large solar power generation should be confined to disused industrial sites such as the Isle of Grain. Covering these fields with solar panels not only will look dreadful but the massive area of hard surfaces equivalent to hundreds of houses will result in considerable stormwater run off putting larger loads on streams & rivers. This would increase the flood risk in the area and the villages & towns downstream.

The area is farmed now and has been a stable environment for hundreds of years for wildlife and should not be interfered with.

## The Planning Inspectorate

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### Appeal Reference: APP/U2235/W/23/3321094

#### DETAILS OF THE CASE

Appeal Reference APP/U2235/W/23/3321094

Appeal By STATKRAFT UK LTD

Site Address  
Land North Of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name SALLY SALLY SPARROW

Address  
East View Pattenden Lane  
Marden  
TONBRIDGE  
TN12 9QT

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

## **YOUR COMMENTS ON THE CASE**

Renewable energy needs to be built not on prime agricultural land. The size of the project should not be the same size as a village less than half a mile away. Overall planning in areas need to be looked at beyond council level to ensure that solar farm planning is harmonious. Would you approve a solar farm the size of Maidstone less planned to be built less than half a mile from Maidstone? I don't think so.

## The Planning Inspectorate

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**Appeal Reference: APP/U2235/W/23/3321094**

#### DETAILS OF THE CASE

Appeal Reference APP/U2235/W/23/3321094

Appeal By STATKRAFT UK LTD

Site Address  
Land North Of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MRS SARAH SPRINGHALL

Address  
Little Cheveney Farmhouse  
Sheephurst Lane  
Marden  
Kent  
TN12 9NX

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

**COMMENT DOCUMENTS**

**The documents listed below were uploaded with this form:**

**Relates to Section:** REPRESENTATION

**Document Description:** Your comments on the appeal.

**File name:** 3321094.Springhall.Comments. 5 Jan 24.pdf

**PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US**



**Date:** 5 January 2024

**To:** John Legg, Planning Inspectorate

**Ref: Proposal:** APP/U2235/W/23/3321094

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.

**Location:** Land North Of Little Cheveney Farm, Shephurst Lane, Marden, TN12 9NX

**From:** Tim and Sarah Springhall, Little Cheveney Farmhouse, Shephurst Lane

We are writing to OBJECT to the planning application.

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We are fully behind the drive to net zero and support renewable energy and solar farms. However, Maidstone Borough Council made the informed and correct decision to refuse this particular development. The new plans for this proposal still go against National and Local Planning Regulation as per reasons for the original decision. There are also inconsistencies and errors in the December consultant reports produced to support the development which make them misleading. The Councils' decision should therefore be upheld.

We need renewables and it is necessary to progress to a greener future. But **progression without protection is regression**. Large scale renewable infrastructure should not be placed somewhere just because it is close to the grid.

The land at the proposed Sheepwash Solar Farm is currently farmed using sustainable regenerative farming methods which sequester carbon whilst delivering above average yields.

Renewable projects such as the Sheepwash proposal can provide clean energy (although materially limited to the summer months) but this must always be weighed against the potential harm caused. Installing solar panels on productive farmland means that those crops must then be sourced from elsewhere. This may result in an increased need to import food (which in turn leads to detrimentally higher food miles) and can counteract the positive effects of the solar energy production.

The pioneering farming methods used at the site now show that sustainable production of crops is possible on BMV clay soil whilst sequestering carbon. The land should remain in sustainable. long term food production of arable crops.

## 1) BEST USE OF BMV LAND

1.1) ***“Achieving food security goes hand in hand with achieving net zero and biodiversity targets.”*** MPs on the House of Commons Environmental Audit Committee, 8 December 2023.

This Committee published a report on the “UK's preparedness and resilience to future food supply stresses or shocks caused by climate change and biodiversity loss”. The report also states, “The way we currently produce our food globally is one of the most significant causes of climate change and biodiversity loss, compounding the problem in a vicious cycle. We must mitigate the damage to the environment that aspects of our food system cause.” In the Government committee report is states that “we need to adapt our food and farming system to become more resilient to the effects of climate change and biodiversity loss.”


**“Self-sufficiency is an important part of food security: many of the countries from which the UK imports food are at risk of the effects of climate change, potentially jeopardising supply in the future.”**

In addition, DEFRA identifies climate change and soil degradation as a major issue, which emphasises the importance of maintaining higher quality agricultural land and sustainable food production.

Guy and Claire Eckley (trading name PureKent - Eckely Farms), the owners and farmers of the land at Little Cheveney are regenerative agriculture pioneers, producing plentiful, healthy crops (see photographs of Facebook pages describing the harvest at Little Cheveney and at a meeting with Natural England) while being kinder to the environment and eliminating the use of herbicides.

In Crop Production Magazine ([cpm-magazine.co.uk](http://cpm-magazine.co.uk)) on 10th March 2022 Guy Eckley stated, **“We’ve shown you can grow good nutritious food and get to net zero”**. Analysis of their wheat crop (such as the crops on the land at Sheepwash) revealed they are sequestering carbon. Their innovative farming method “has led to a reduction in inputs, particularly fertiliser, for little or no drop in yield”. He also refers to the alluvial soil he farms near the river in Marden. Alluvial soil is extremely fertile. The land he refers to is the land at Little Cheveney. In another article in South East Farmer August 30th 2022, Guy Eckley describes how his regenerative farming method produces a healthier soil without the requirement of expensive fertilisers. So why should this BMV land, which is being farmed by a champion of regenerative farming being sacrificed for energy production?

Facebook Pages of Pure Kent which highlight their successful pioneering farming methods.


 **Pure Kent - Eckley Farms** · Follow  
22 Jul 2023 · 🌐

#harvest23 kicked off yesterday, straight into wheat near #Marden, #Kent.

This is a blend of top quality milling wheat, a mixture of varieties, including some tall German ones and some short British bred ones.

Did you hear our shout out on the #Radio2 drive time show with OJ?!

#JohnDeereCombine #JohnDeereS685i @tuckwellgroup



 **Pure Kent - Eckley Farms** · Follow  
17 Nov 2023 · 🌐

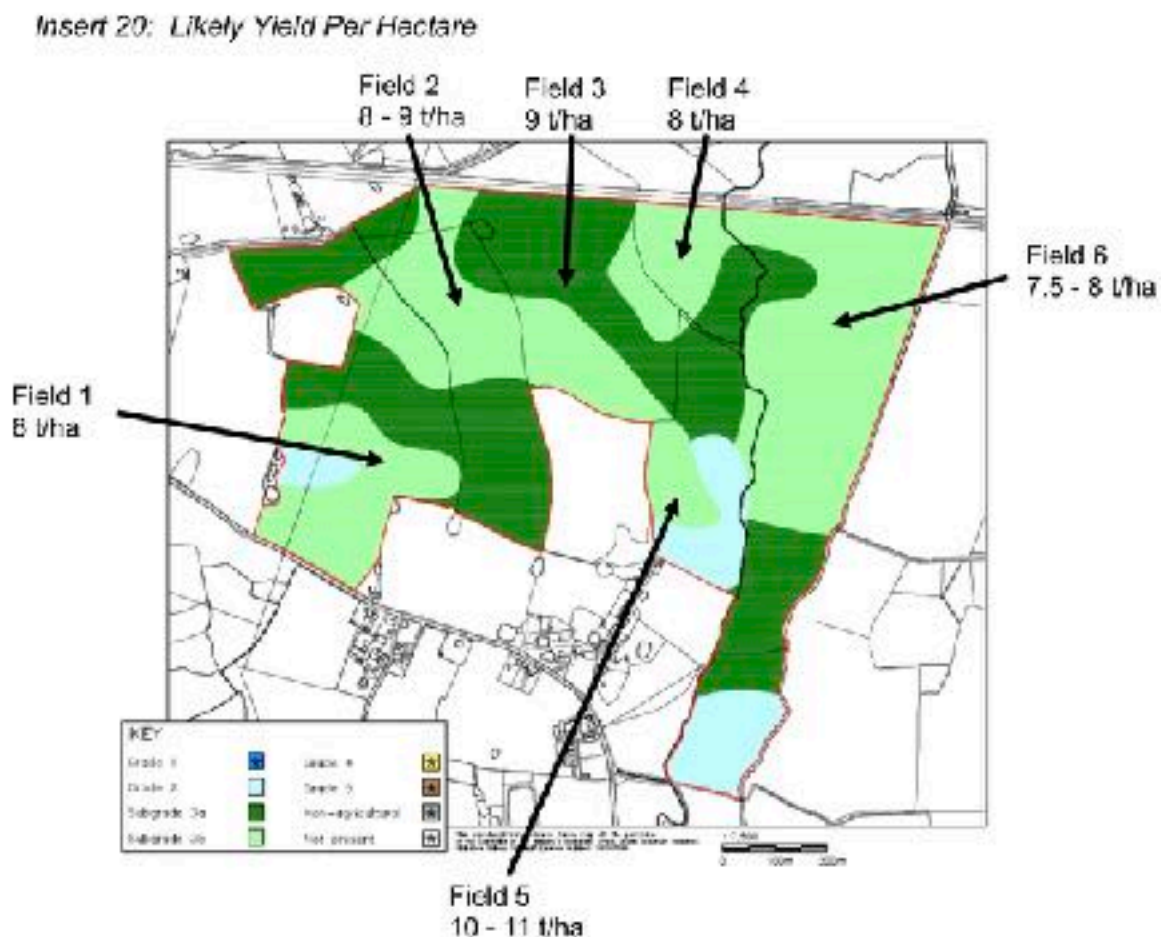
We welcomed Natural England to the farm today, on a day trip from London. Here's farmer Guy explaining the some of the benefits of our regenerative farming methods.

Natural England is the government's adviser for the natural environment, and look after the Countryside Stewardship Scheme. We have one of these schemes on the farm, feeding birds in the winter and pollinators in the summer. Lots of our farmer neighbours in Marden Cluster are also doing the same.



## 1.2) Above average yields from the land using regenerative farming methods

According to the Agriculture and Horticulture Development Board, the national winter wheat yield is now pegged around 8.1 – 3 t/ha. Using their regenerative farming methods, Pure Kent managed to yield above average harvests as is illustrated in the yield map taken from the Tony Kernon Proof of Evidence report Volume 1 December 2023. This gives more weight the argument that the land remain in food production.



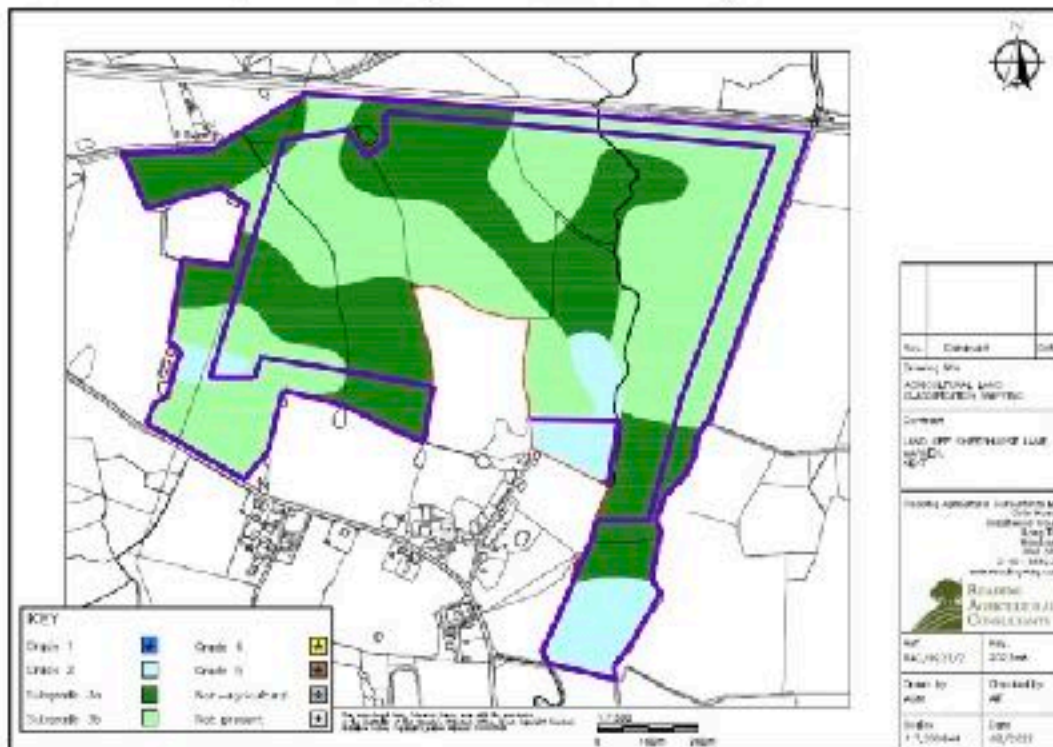
### 1.3) BMV taken out of permanent arable production

There is an overarching argument presented by the developer and their consultants that the conversion from productive arable land will be temporary and limited to 37 years. But this is misleading. The mitigating planting on the site is predominately on grade 2 land close to Willow Barn and Willow Cottage and grade 3a land. It is stated in the AWScape Summary report that this land won't be returned to farming at the end of the solar farm lifespan. Point 1.24 "when decommissioned, The landscape infrastructure would remain and would have established over 37 years".

No adjustments have been made to avoid the grade 2 land. The majority of the grade 2 land and a substantial portion of grade 3a land will never be returned to farmland.

The below image taken from Tony Kernon Proof of Evidence report Volume 1, December 2023 illustrates the areas (outlined in purple), from biodiversity and mitigating planting. The majority of this land (pale blue and dark green) is BMV land which will not be returned to arable production.

*Insert 17: RAC ALC, with Biodiversity and Excluded Areas Edged*



#### 1.4) Summary

Taking into account current use and the farming methods, relevant NPPF policies which are contravened by the change of use of land include:

- NPPF Strategy 11. Making effective use of land

*123. Planning policies and decisions should promote an effective use of land*

*- NPPF 180 FOOTNOTE PAGE 52. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.*

Food security has not been considered by the developer. The new plans have not sought to avoid BMV land which will be permanently taken out of production. The best use of this land would be if it remained agricultural, and continues to produce food using the innovative farming methods already employed by Pure Kent Eckley farms.

**In short, this Solar Farm proposal goes directly against the move towards protecting long term food security and sustainable food production. The proposal also shows a total disregard for the preservation of productive agricultural land as highlighted in the NPPF.**

## **2. HARM TO LANDSCAPE**

One of the reasons for refusal of the original proposal was the harm it would cause to the character and appearance of the countryside. Relevant policy:

Paragraph 6.27 of the Maidstone Local Plan states, “The NPPF encourages the protection of valued landscapes.....which are afforded protection in policy SP17”. The Low Weald, where the proposal is sited, is identified as one of these landscapes.

Also relevant is NPPF 180: Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and

other benefits of the best and most versatile agricultural land, and of trees and woodland;

**The Summary to Landscape Proof of evidence by AW Scape** is inconsistent and does not comply with NPPF guidelines, notably:

2.1) *Point 1.6 - "the scale of the Appeal Scheme is not dissimilar to existing polytunnels within the wider landscape, as well as the approved Bockingfold solar energy farm in the neighbouring authority and the Switching Station south of Shephurst Lane"*

- This statement is incorrect. The Switching Station has recently been part refused planning permission (planning application 23/504936/SUB) on the grounds of flooding and is substantially smaller than the solar farm.

2.2) *Point 1.8 - PROW and residential dwellings within or in close proximity of the Appeal Scheme would only view part of the development and as such would only appreciate the scale of that which is visible. Solar arrays have been set back from these receptors to allow for mitigation vegetation and biodiversity enhancements.*

- The PROW is on the fence line of the development with numerous residential dwellings, including listed buildings surrounding and overlooking the site. The views of open landscape will be interrupted by dense screening, fencing, 5m high security cameras as well as the solar panels themselves- none of which are in keeping with the natural countryside landscape.

2.3) *Point 1.10 The mitigation has been included to reduce the visual effects of the solar arrays and to enhance the landscape character.*

*Point 1.12 - The woodland planting creates deep woodland corridors that respond to the guidelines and recommendations of national, regional and local landscape character areas.*

*Point 1.18. The effect of the landscape mitigation on the landscape would be beneficial and would not in itself result in harm.*

- The landscape character is one of open countryside, with historic fields being divided by drainage ditches and hedges. The proposed mitigating planting is substantial in order to shield the arrays from numerous dwellings and public viewpoints. The extensive planting and deep woodland corridors are not typical of the area and will serve to carve up the open landscape, not enhance it as is suggested in the report. It should be noted that the Bockingfold solar farm 700m from Sheepwash, which was granted permission with little opposition, does not have such extensive mitigating planting because it is not required.

2.3) *Point 1.16 - Replacing arable use with pasture and meadow use will also have a positive role in improving the quality of water in the adjacent watercourses and site ponds.*

- This land is farmed using sustainable regenerative methods and as such does not have a negative impact on the quality of water. Replacing this productive land with

solar panels will therefore have no increased impact in the quality of water - if anything methods used to control pasture and vegetation, including the use of weedkillers may have a negative impact in comparison to the farming methods already employed at the site.

*2.4) Point 1.21 The solar energy farm is located within the arable fields and avoids existing vegetation. It has been located away from the boundaries of the Site where these may have an impact on the PROW and dwellings.*

- The solar energy farm is surrounded by numerous dwellings and PROWs. Little Sheephurst Cottages 7 and 8, Willow Barn and Willow Cottage are closest to the solar farm. Willow Barn is set in the middle of the open landscape, whilst Sheephurst Cottages are surrounded by open fields. The proposed dense woodland and planting to hide the arrays from Willow Barn and Sheephurst Cottages would dramatically alter their settings if the solar farm were to go ahead. The adverse short and long term impact on these properties has not been considered. The site also fully surrounds the majority of land (parkland) at Little Cheveney Farmhouse with no buffer or mitigating planting. The parkland is integral to the setting of this listed building. In short - the site is too close to prevent harm being caused.

*2.5) Point 1.28 - The landscape mitigation will deliver substantial benefits during the operational life of the solar farm but also once the site is decommissioned in repairing a landscape that has suffered substantial fragmentation. This has local, regional and national benefits to the landscape character and to biodiversity.*

- The claim is that the landscape has suffered substantial fragmentation is not true. Historic maps and property deeds dating back to the 16th century clearly illustrate that the land with its open fields, hedging and ditches has remained largely unchanged for hundreds of years despite the progression of farming methods. The farmed landscape does not need repairing, but does need protecting.

*2.6) Point 1.31 - It is acknowledged that the solar farm will have an initial adverse impact on the visual amenity of a number of receptors within the local vicinity.*

- There is an acknowledgement that the solar farm will have an adverse impact on visual amenity for at least 10 years. This will have a negative impact on the lives of those who live in the area to appreciate the countryside and open landscape for a significant length of time. It will also have a negative economic impact and viability of local holiday let businesses - notably at Willow Cottage and the Glamping site at Gravel Pit Farm.

## 2.7) Summary

In conclusion, the mitigating planting attempts to shield the site from dwellings and heritage assets; yet the planting, high solar panels, security fencing and soil bunds serve only to carve up and dramatically alter the open landscape and thus cause harm.



### 3. HARM TO LANDSCAPE : AW LANDSCAPE MISLEADING COMMENTS IN PROOF OF EVIDENCE

3.1) PROW. On pages 42-45 there are various photographs of the PROW which show KM248 has self-diverted over time. Photographs show no crossings across the field on aerial photographs because the landowner has failed to maintain the PROW. During the summer months it is possible to walk around the field on grass verges, so walkers, out of courtesy to the landowner walk around the field on the verges rather than walking across and damaging/destroying valuable crops. In the winter months, the North East corner of the site regularly floods making it impossible to walk round the edges of the field without knee high waterproof footwear. At these times the flooded corner can be passed by walking along the the original course of the PROW. This original course should be maintained and not redirected or fenced off. The creation of a PROW on land which floods is contrary to NPPF.

The following photographs showing flooding of the corner of the field are taken from the points indicated with a red cross on the map looking NNW.



Photograph taken November 2022 from point 1



Photograph taken November 2022 from point 2



Photograph taken 31 December 2023 between point 1 and 2.



Depth of water is mostly more than 10cm deep as shown by the photograph with water above ankle height.



### 3.2) WINTER VIEWS NOT CONSIDERED

The extensive mitigating planting described on page 46 - 49 is deciduous to ensure it is in keeping with the natural landscape. This means that views to and from heritage assets and PROWs for the Summer months will be interrupted by the planting. That Winter Views when the solar arrays will be visible through the planting have not been adequately considered. This means that due diligence has not been done by the developer.

### 3.3) INADEQUATE CONSIDERATION OF VISUAL EFFECTS ON APPEAL SCHEME

Re: Table on page 52 - 53 - there is no mention of visual effects on Willow Barn, which will be most adversely affected by the development. Little Cheveney Farmhouse also does not appear on the table. The conclusions that there will be beneficial effects for Willow Cottage, Oast Houses at Little Cheveney are incorrect as instead of open productive fields, the outlook will be over the solar arrays in Winter months and a wall of screen hedging in Summer months.

### 3.4) DISTANCE OF SOLAR ARRAYS FROM DWELLINGS

Impacts on Willow Barn and Willow Cottage have not been sufficiently considered.

On page 57, point 6.37 it is claimed that the solar arrays have been moved a minimum of 75m from the closest dwelling with "dense woodland" placed directly in front of Willow Barn on Grade 2 BMV land. If the plans are accurate, they show that the solar arrays are less than 75m from Willow Barn and Willow Cottage. No consideration has been given the negative impact that the dense screening could have on Willow Barn.

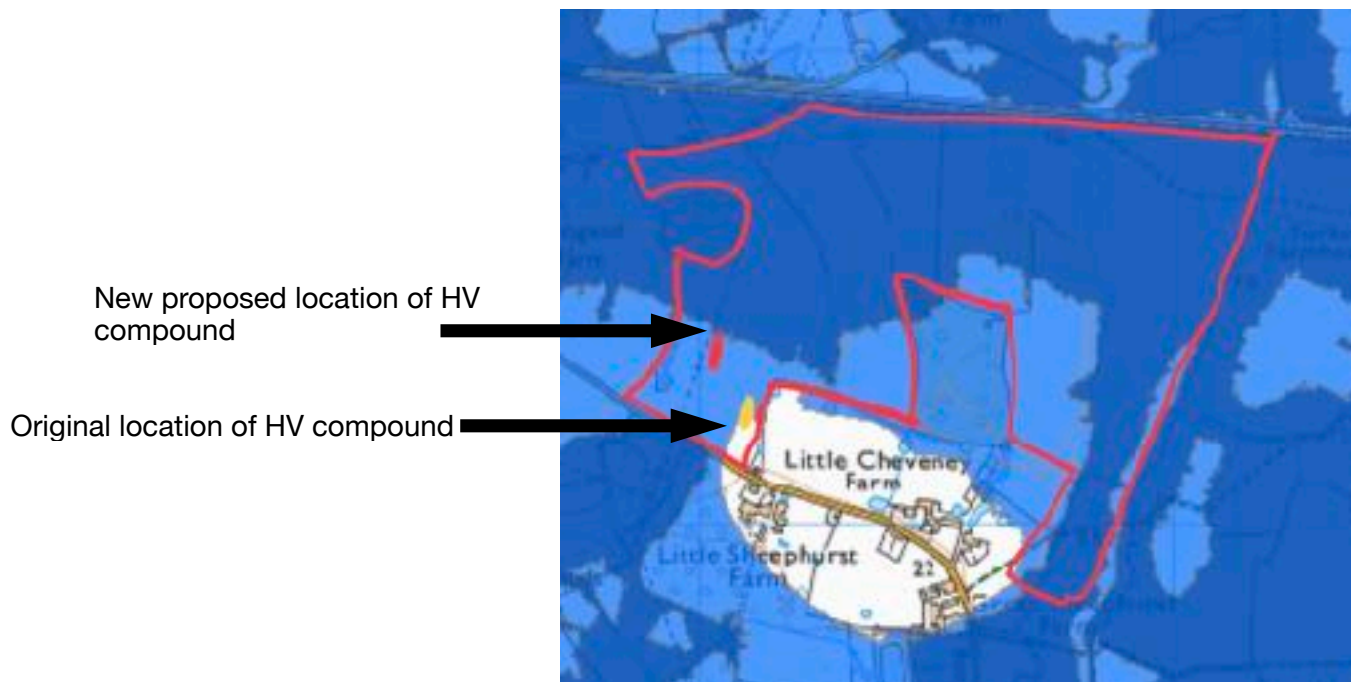
It should also be noted that in the original Pegasus report pages 20-21, which sets out search parameters that specifically exclude potential sites, it is stated that the solar arrays should have a **residential buffer of 100m**. If the developer adheres to their own guidance, the solar arrays should be pushed much further back from Willow Barn and Willow Cottage to minimise harm and negative impacts of the development.

#### 4. PEGASUS REPORT MISLEADING COMMENTS

The Pegasus Proof of Evidence Report 19 December 2023 is misleading because there are some notable untruths within the report.

4.1) Page 1 point 1.5. The report states that the relocation of the high voltage (HV) compound to a point closer to the Point of Connection (POC) and to an area of lower flood risk within the site”.

This is incorrect. The truth is that the HV compound has been moved from a low flood zone to flood zone 2/3 - an area of significantly HIGHER flood risk. See below map. Pale blue = flood zone 2. Dark blue = flood zone 3. No colour = low/ flood risk.



#### 4.2) Page 5-6 Exemption Test

It is the assertion of Pegasus that the proposal passes the exemption test. However, the increased flood risk to neighbouring properties has not been adequately understood or mitigated. Flood risk is expanded on in point 7 in this document. **Therefore the exemption test is not passed.**

## 5. SEQUENTIAL ANALYSIS IN PEGASUS REPORT

The sequential testing in the Pegasus Report, which is used as a basis to show this is the only available site, has been done retrospectively from the original planning application and its findings are self-serving and misleading.

The search is limited to a 2km from the 132kVa overhead cable in a small radius of the Marden and Collier Street area. The search for appropriate sites is surely nationwide or least by County, and should not be limited to an overhead connection or land within the Maidstone Borough?

The parameters set out in the report argues that the alternative local sites are not appropriate; yet using those same parameters, Sheepwash appears to be an equally unsuitable site for solar development:

5.1) BMV land. The report states that each site is “provisional grade 3 land quality and is therefore not preferable to the Appeal site in terms of agricultural land classification”. Sheepwash is a higher grade of land (47% BMV, grade 2 and 3a) and therefore it cannot be concluded that alternative sites are not preferable without understanding the breakdown between 3a and 3b of the other sites.

5.2) Proximity to dwellings and heritage. It is mentioned that site 3 (147ha) is inappropriate due to proximity to listed buildings. With 33 listed buildings in close proximity the site, and 4 dwellings on the boundary itself, why is Sheepwash any different? Harm to the heritage assets which surround Sheepwash is one of the MBC reasons for refusal.

5.3) The way in which the report is written implies that sites are excluded from consideration because they lie in flood zone 2 and zone 3. The majority of land at Sheepwash is in flood zone 3 (highest flood risk), and the Eastern-most fields regularly experience surface water flooding, plus these fields have experienced fluvial flooding - notably in December 2019. So why is Sheepwash considered acceptable?

5.4) PROWs on sites are cited as a reason to avoid solar development because they reduce the developable area. Sheepwash has PROWs run along the entirety of the Northern Edge of the site as well as cutting through the North Western edge. So why was Sheepwash considered appropriate when others have been dismissed as inappropriate?

5.5) It is stated that a commercial solar farm should be ideally 70-100ha and therefore any sites that are smaller are not considered suitable. This parameter is misleading. There are numerous other functioning solar farms smaller than 70ha which are in operation - including the 64ha Paddock Wood solar farm (3km from Sheepwash) which connects directly to the 132kVa overhead cable.

5.6) Search parameters are limited to sites under the overhead cables for economic and ease of connection reasons. Proximity to the cables is not a reason to grant permission. Widehurst Solar Farm which is on the other side of Marden is over 3 km from the grid.

5.7) The report acknowledges that land across the Maidstone Borough is of very high quality. The Borough in the heart of the Garden of England - aptly named for its lands which produce a variety of bountiful crops. Food security is of equal importance as energy security. So why is the developer pursuing this inappropriate change of use on land which is best used for food production?

Looking at the above facts, the conclusion can be drawn that the sequential analysis process has been retrofitted to suit the developers' arguments. Evidence and arguments are skewed to suit the developers' arguments for approval. A robust sequential assessment has not been made. The 2km study area and alternative sites along the power line network have not been properly assessed - the planning appeal should therefore be dismissed.

## **6. HARM TO HERITAGE**

One of the reasons for refusal of the original proposal was on the grounds of harm to heritage assets. The new proposal is no different and causes harm to heritage assets. The report does not consider the setting of the listed buildings at Little Cheveney. The historic parkland which will be 80% surrounded by the solar farm forms an integral part to the rural setting of the Little Cheveney listed buildings. This has not been considered. The Appeal Scheme will diminish the rural setting of the listed buildings at Little Cheveney and Long End. This confirms that the development is in conflict with Local Plan Policy DM4 and NPPF para 196, 202, 205, 206, 207 and 208.

Author of the Heritage Summary and Proof of Evidence reports by Cotswold Archaeology report, Rob Sutton stated that on his visit to the site in December 2023, he did not feel it necessary to see the site from the grounds or interiors of the listed buildings in question. It is not possible to deliver a full and unbiased opinion without looking at the proposal from all angles, including the viewpoint to and from the listed buildings.

The following points show inconsistencies and lack of understanding of the heritage assets in question:

### **Heritage Summary Proof of Evidence**

6.1) Page 5 point 1.13 states that the listed buildings at Little Cheveney will be best experienced from up close, within the private gardens. This is a self serving opinion. The listed oast houses at Little Cheveney are best enjoyed from a distance across the open fields from the PROWs - their cowls stand proud over the open landscape.

6.2) Page 5 1.15 - It is unclear what the consultant regards as “new residential developments”. “New” has not been defined, but the implication is that there has been a lot of residential development on Sheephurst Lane in recent years. This is an inaccurate portrayal. In recent years (approx 20 years), a small number of agricultural buildings have been constructed, and some others converted to residences, but that has been the limit to development. The inherent character of Sheephurst Lane remains rural.

6.3) Page 5, 1.18 - contrary to the report, the views from and towards Little Cheveney Farmhouse, Owl Last, Bottom Oast, Top Oast and Little Cheveney Oast will all be interrupted by the solar arrays, associated infrastructure and mitigating planting. Mitigating planting may screen some views in the Summer months but there has been no consideration for Winter months when there will be no foliage. The appeal scheme is no different to the original plans and harm will be caused. Solar arrays are not in keeping with the rural setting of the site.

6.4) Page 6, 1.22 the claim is that the change of use from arable to energy production will not cause harm. The claim is also that the site will retain its rural character. As has already been stated, almost 50% of this land is BMV land and is being farmed using progressive methods to eliminate the harm caused by regular farming methods. The majority of this BMV land will not be returned to productive farmland at the end of the solar farm’s lifespan (as stated in AWScape report). Removing this land will cause harm to long term food security. Solar arrays are not natural forms in rural settings so the assertion made in this report is false.

### **Proof Of Evidence Report**

6.5) Page 10 3.7, “Setting can contribute to heritage significance though associated attributes” - no consideration has been given to the setting of Little Cheveney Farmhouse and the parkland which give it its historically unique setting.

6.6) Page 11 3.9, “For a proposal (development) to cause harm to a heritage asset it must have the potential to impact its heritage significance or the way in which its significance is experienced”. If the proposed scale development were to go ahead, the setting of Little Cheveney Farmhouse and its views would be detrimentally impacted. The views to and from Little Cheveney farm buildings (notably oasthouses) and would be adversely affected. This confirms that harm would be caused to heritage.

6.7) Page 11 3.12 - The perceived experience of a solar farm is individual. The opinion of the Statkraft consultant is skewed in favour of viewing a solar farm as rural in character. Solar farms are not rural in character. Fields of metal panels are not a natural form in the countryside. This point is subjective. The rural economy and landscape is protected. Although we need to adopt renewable energy, it has to be in the right location. Progression with appropriate protection should be the only way forwards.



## 7. INCREASED FLOOD RISK

Despite the new reports submitted by the developers' consultants, the flood risk to neighbouring properties has still not been adequately addressed in the Proof of Evidence Pegasus Report dated 19 November 2023. The report shows a lack of understanding about local flooding and the natural flow of floodwater.

The majority of the site is on flood zone 3. This is a low lying area and part of the land has served as a flood plain for hundreds of years. Along the river and South of the trainline, the field to the North East of the site is prone to regular flooding.

No-one understands the water flow and risks better than those who live here and whose properties have already flooded - notably those who live at Brook Farm and Turkey Farm. Any increase (even a small increase) in run off; any interruption to the existing land drainage; any blocking of the natural flow of water may result in flooding of residential dwellings.

The location of the solar farm puts these neighbouring dwellings at increased flood risk. The measures taken to prevent flooding of neighbouring properties are inadequate.

7.1 Topsoil removal will result increased runoff of rainwater - the flow of water will move towards properties to the East (on the other side of the river) and North (on the other side of the tramline) of the site.

7.2 There is insufficient detail on how flooding to these properties will be prevented during the construction phase. During this period, the water-absorbing topsoil will be churned up or removed, plus the land drains will be disrupted through piling. Surface water will flow towards residences if it is not adequately managed. There is no plan to mitigate this. This is negligent when peoples properties are at potential risk.

7.3 On page 4 point 3 of the report, it is stated that **“the nature of fluvial flooding is such that there will be no sudden inundation of the site** and....it is not considered necessary to identify a specific flood response plan”.

**In December 2013 the river broke its banks and floodwater completely covered the fields abutting the river proving the above underlined statement is incorrect.** Since 2013, the river has broken its banks to a lesser degree on at least 2 occasions. With climate change, the 2013 event will recur. To not account for such an event is contrary to NPPF 157, 158 and 173.

7.4 The security fence line along the river is on land which has flooded in recent years. The concern is that when the river floods over this land (which it will), river debris (fallen twigs, branches, rubbish as well as stubble from fields upstream) will be caught in the fence preventing the natural passage of water across the flood plain, forcing increased water to flow towards properties at Brook Farm, Turkey Farm, Gravel Pit Farm as well as the new development in Marden. The proposed 100mm gap at the base of the fence will do nothing to prevent this flooding event when the river breaks its banks. Despite what is suggested in the Pegasus Report it is not physically possible for someone to keep this fence clear of debris when the river breaks its banks.

7.5 There is also the concern that the 1.5m piling required to fix the solar panels will disrupt the existing land drainage system. There is no detail on how this will be managed.

7.6 The developer has not adequately addressed concerns that the solar panels themselves will cause accelerated flow of water towards the river and thus increase potential flooding to properties to the East and North of the site.

*Para 173 NPPF. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.*

Despite the developer's position, there is an increased flood risk for dwellings associated with this development, and it is therefore contrary to planning regulation.

## **8. SUPPORTING PROSPEROUS RURAL ECONOMY**

The local Marden and Collier Street economy is not all about farming. In recent years, visitors come to the area to enjoy the landscape and nature. With its proximity to historical tourist attractions (Leeds Castle, Scotty Castle and Sissinghurst to name a few), leisure destinations (Bewl Water and Bedgebury), as well as its award winning wineries and distillery, Marden and Collier Street has become attractive tourist destination. Local farm shops, pubs, cafes and holiday let /camping businesses (including glamping at Gravel Pit and Willow Cottage) all benefit from this increase in tourism. We accept that the development would provide a regular income for Eckley farms and as such complies to NPPF 88b which sets out to support diversification of agricultural businesses. However, the development is highly visible from PROW, the trainline and public highways and would detract tourists from visiting the area who come to appreciate the open green countryside and is therefore contrary to the follow NPPF policies:

*NPPF 88. Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas,*
- b) the development and and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside;*

## **9. MISLEADING CLAIMS OF COMMUNITY BENEFIT**

There are claims on the developers' website that there are community benefits, yet there is no detail on who or which organisation will benefit from the development. There is certainly no benefit for those who live closest to the site.

Maidstone Borough Council refused the proposal on numerous substantial grounds and is now having to spend significant proportion of taxpayers money to defend their position. If this development goes ahead, and the council is forced to pay costs, the whole community of Maidstone Borough will suffer, not benefit.

Contrary to the assertions made in the Pegasus report, Maidstone Borough Council actively encourages renewable initiatives where appropriate, thus supporting start up local green energy companies.

Financially, the only winners will be the developer and the landowner. Although the site covers a large area, it will have minimal impact on energy supply, and certainly no impact on the cost of energy for local or UK residents. Green energy projects such as wind, wave, hydrogen and nuclear power will have an impact and will make a difference. The site is already showing that it is possible to yield staple crops whilst sequestering carbon. The site with valuable BMV land is better used for the long term use of sustainable food production, not energy production.

## **10. NO PROVISION FOR ELECTRICITY STORAGE**

There is no battery storage facility at this site or at the solar farm Bockingfold (700m from this site) which is on land 1km from Sheepwash and is on the same stretch of powerline as the Paddock Wood solar farm (3 km from the site). The electricity substation which was in planning (23/504936/SUB) opposite Sheepwash on the other side of Sheephurst Lane has been part refused on the grounds of flood risk and sustainable drainage. Can it be confirmed that there is sufficient storage space in the power line for the power generated during the summer months when the vast majority of power will be generated?

## **11. TOTAL LACK OF COMMUNITY ENGAGEMENT**

From the outset, the concerns of those who would be adversely affected by the development have been ignored. This has been stated on previous comments from local residents.

Statkraft has not engaged with local residents, and has failed to respond when concerns have been raised. Community engagement is at the heart of NPPF guidelines.

In February 2023, Statkraft was emailed after photographers were found trespassing on private land taking intrusive photographs (AWScape Report page 57 quips that a resident requested the photographers leave a road). An email was sent to the Statkraft community engagement email as advertised on their website. The email politely asked that they request permission to enter private properties if they wished to take photographs or do research. An automated response was received stating that the email was undeliverable as the email address was not in use. The email was then forwarded to the general enquiry email address at Statkraft, but no response was received (copies of emails can be provided if required).

## **12. CONCLUSION**

We need renewable energy but food security is of equal importance.

If this development were to be permitted, it will cause harm on several levels, all of which are contrary to NPPF. Highlighted points include:

- taking valuable BMV land which is producing high yields of staple crops using regenerative farming methods from production.
- an increase flood risk to neighbouring properties
- causing harm to protected heritage assets
- detracting visitors to the area, causing harm to the local economy
- adversely altering the character of the open landscape and appearance of the countryside

For the reasons above, as well as the arguments presented by Maidstone Borough Council, we respectfully ask that the appeal is dismissed and planning is refused.

**From:** Sarah Springhall < >  
**Sent:** Sunday, January 21, 2024 4:28 PM  
**To:** Legg, John < >  
**Cc:** Marion Geary < >; Martin iPad < >; Mark Moncreiffe < >; Zsa Moncreiffe < >  
**Subject:** REF APP/U2235/W/23/33210094

You don't often get email from [skspringhall@gmail.com](mailto:skspringhall@gmail.com). [Learn why this is important](#)

Dear Mr Major, Planning Inspector *c/o Mr Legg*

As requested, please find attached photographs of flooding at the proposed Sheepwash Solar Installation site as well as flooding at Brook Farm and local Public Highways. Photographs from Brook Farm were sent to me by Mr and Mrs Moncrieffe (cc'd) who live at Brook Farmhouse.

Local residents have noticed an increase in flooding events in recent years. Our concern is that any marginal increase of floodwater to the North and East of the proposed site will result in multiple properties and land suffering flood harm and damage.

Thank you for your consideration.

Yours sincerely

Sarah Springhall  
Little Cheveney Farmhouse  
Sheephurst Lane  
Marden. TN12 9NX

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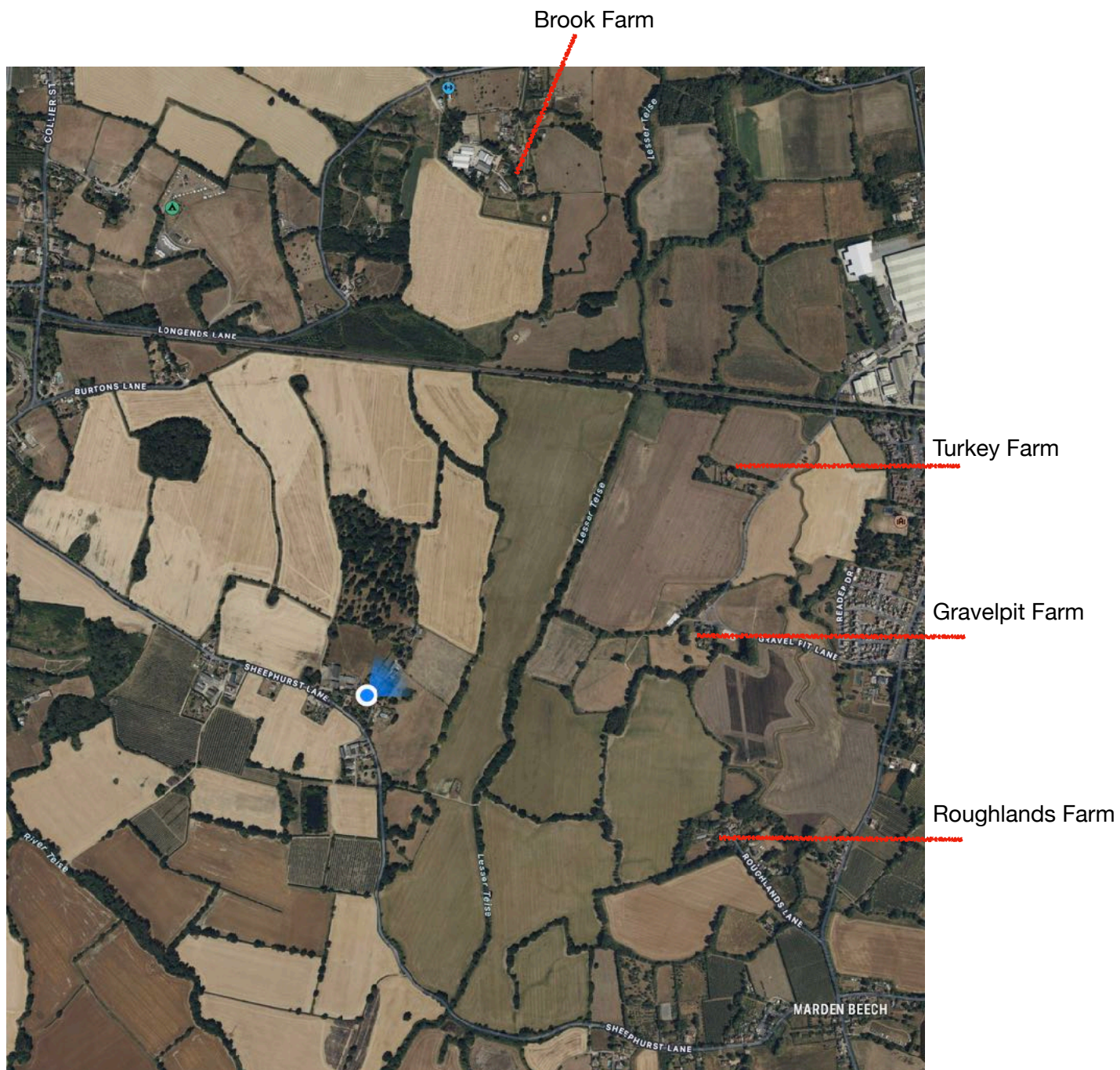
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DPC:76616c646f72



Brook Farm, Roughlands Farm, Gravelpit Farm, Turkey Farm locations in relation to Sheepwash Solar Installation site. These are the dwellings at highest flood risk.

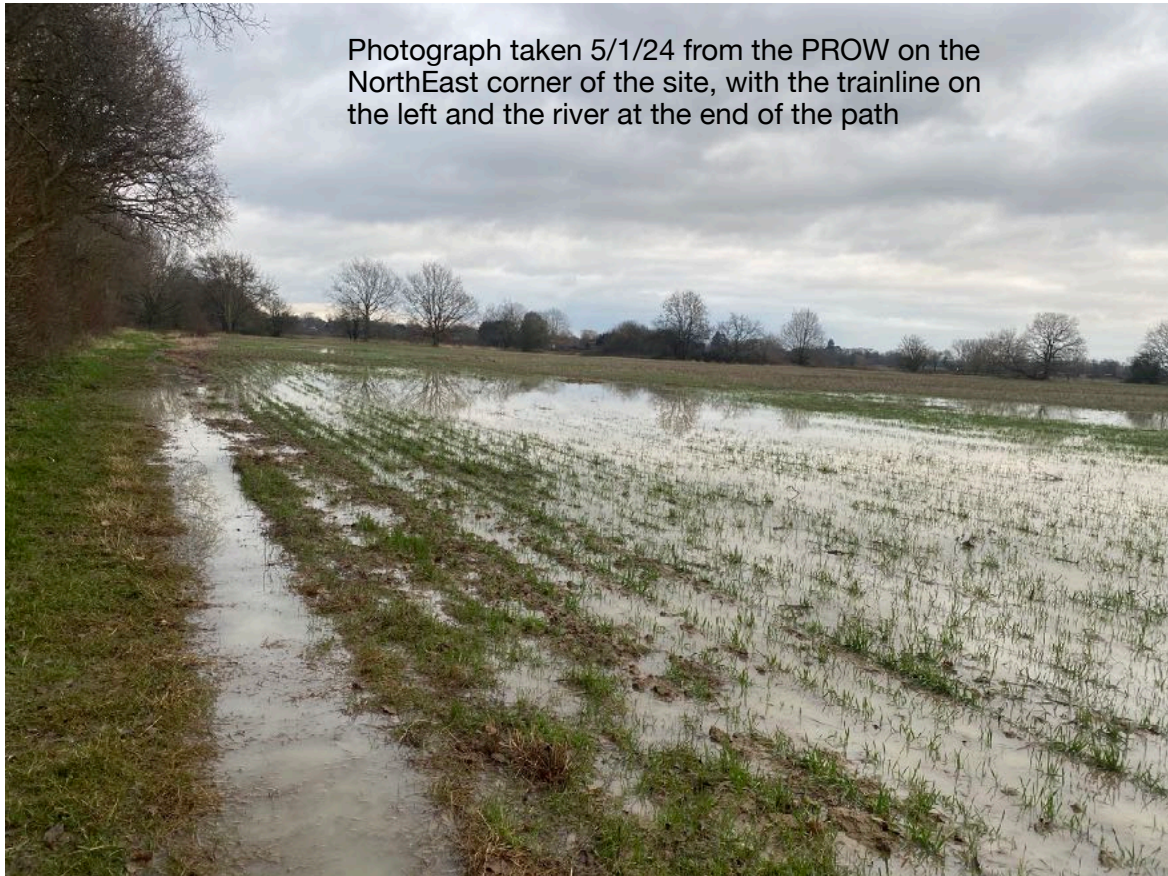


Brook Farm - looking across the field from a position close to the river. Fluvial flooding on fields at Brook Farm 5 January 2024





Photographs taken from the PROW on the proposed solar installation 5 January 2024. These photographs show that when the Lesser Teise river is high on the Sheepwash site, fluvial flooding happens at Brook Farm. When fluvial flooding happens at the Sheepwash site, water and debris must be allowed to flow freely across the flood plain to prevent increased flow of water towards Brook Farm.



Photograph taken 5/1/24 from the PROW on the NorthEast corner of the site, with the trainline on the left and the river at the end of the path



Photograph taken 5/1/24 on the footbridge over the Lesser Teise looking East towards Turkey Farm beyond the flooding on the field.



Photograph taken 5/1/24 from the PROW along the Lesser Teise in the North East corner of the site looking East across the river.



Photograph taken 5/1/24 close to the footbridge in the North East corner of the Sheepwash site. The photograph shows the sort and size of debris caught in the Lesser Teise river. A branch of a tree had fallen over the river creating a barrier and trapping debris.

The following photographs are all of Brook Farm during the floods of 2000 and 2007



Brook Farm access road. Public Highway (Green Lane) is at the end of the access road. Access to the dwellings only possible by boat.



The following photographs are all of Brook Farm during the floods of 2000 and 2007 cont.



The following photographs were taken at Brook Farm on 4 and 17 November 2022. The water came very close to their properties, but did not flood dwellings. The residents at Brook Farm were cut off 5 times by floodwater over the Winter 2022/2023.

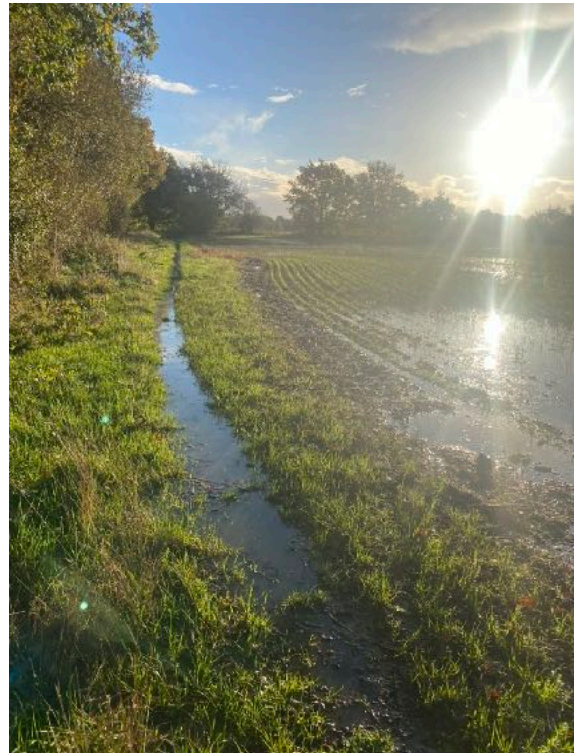
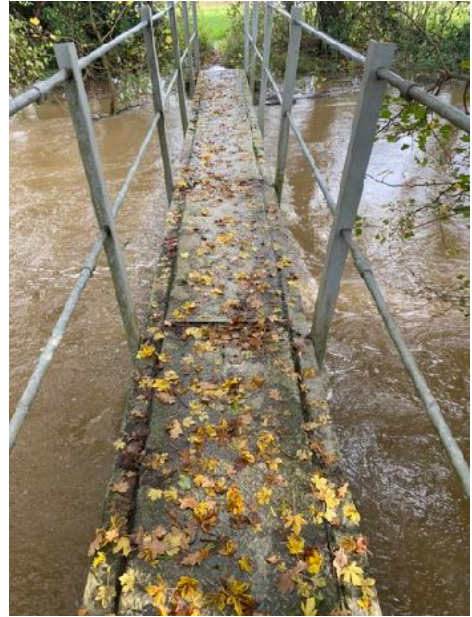
Brook Farm is accessed via Green Lane. Photographs show flooding to access road at Brook Farm as well as images of Public Highways Green Lane and Longend Lane flooding.



Flooded land at Brook Farm November 2022



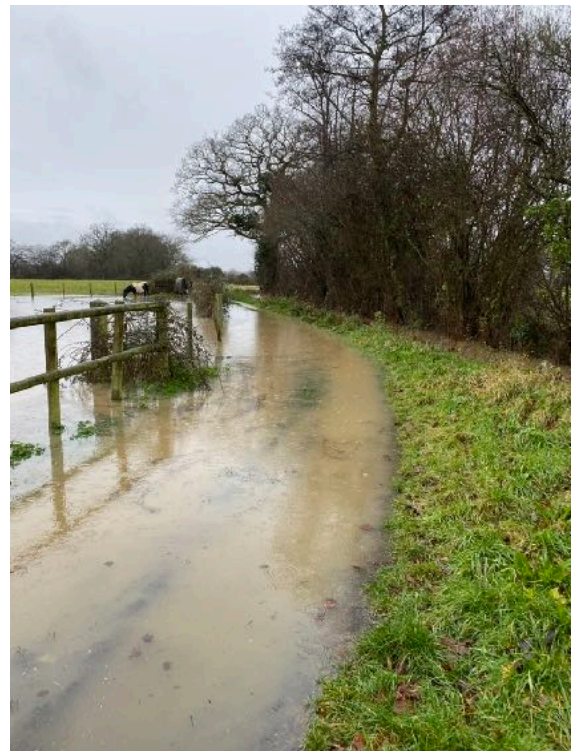
Surface water flooding on fields and Lesser Teise river at proposed Sheepwash solar installation November 2022.



Sheephurst Lane flooding December 2020



Sheephurst Lane flooding December 2019



Photographs above and below taken at Gravelpit Farm December 2019





Photographs taken on Public Highway Sheephurst Lane and fields at the Sheepwash solar installation site December 2013. Fluvial flooding had occurred on the proposed site. These photographs were taken after the floodwater had eased - it was impossible to go safely near the fields when the water was at its highest level.



Photographs taken on Sheephurst Lane December 2013.



Photographs of the river and bridge at the proposed Sheepwash Solar site after the majority of fluvial flooding had eased. December 2013.



Flooded fields and Lesser Teise river at Sheepwash solar installation site November 2020



Photograph taken looking across river towards Roughlands Farm showing fluvial flooding.



## Power, Laura

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**From:** Mike Williams <[REDACTED]>  
**Sent:** 05 January 2024 21:01  
**To:** Legg, John  
**Subject:** APP/U2235/W/23/3321094

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Dear Mr Legg  
Planning Inspector

Appeal Reference: APP/U2235/W/23/3321094  
Sheepwash Solar Farm

I am a local resident opposed to this planning appeal.

We need more renewable green energy but it needs to be in the right place and not at the expense of best and most versatile agricultural land. Climate change and the current cost of living crisis has highlighted the need for more locally grown food.

What is the point of the planning process, when a locally elected council planning committee with a unanimous majority decision, can be appealed to the Planning Inspectorate because an international company with substantial financial resources disagree with the decision. I agree with and endorse Cllr Russell's comments in her letter to the Appeal dated 11 December 2023.

At the time of the original planning application, numerous inaccuracies were highlighted by local residents. I see no evidence that Statkraft have really tried to address any of the concerns raised by local residents, MBC and elected representatives.

My concerns still include:

- Harm to the heritage setting of grade 2 listed farm and agricultural residential buildings.
  - Visual impact - The close proximity of solar panels and fencing to residential properties. In particular the view from bedroom windows especially during the winter months.
  - Environment health - Noise and disturbance from the site. No assessments have been carried out from the privately owned residential properties.
  - How dismissive Statkraft have been about incorrectly submitted solar panel specifications (regarding size and height of panels). I would suggest these inaccuracies are sufficient grounds to question any data submitted in the original application and appeal regarding the impact of glint and glare, noise and visual impact.
  - Statkraft and appointed advisers did not visit any of the private properties on Little Cheveney Farm or Sheephurst Lane when carrying out their inaccurate impact studies.
  - The suggested vegetation screening (which will take at least 10 years to grow) does not take into consideration the visual impact during the winter months.

With the exception of one letter dated 1st December 2023, Statkraft have made no effort to consult with local stakeholders.

This proposal does not invest in the local community, it will not create local jobs and will not reduce energy costs for local people struggling with the cost of living crisis.

I ask you once again, that you respect the local planning decision and dismiss this appeal.

Thank you

Mike Williams



Sent from my iPad

## The Planning Inspectorate

### COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

### Appeal Reference: APP/U2235/W/23/3321094

#### DETAILS OF THE CASE

Appeal Reference APP/U2235/W/23/3321094

Appeal By STATKRAFT UK LTD

Site Address  
Land North Of Little Cheveney Farm  
Sheephurst Lane  
Marden  
Kent  
TN12 9SD

#### SENDER DETAILS

Name MRS JENNIFER WYNN

Address  
13 Ramsden Way,  
Marden  
Marden  
Marden, Nr Tonbridge  
Kent  
TN12 9GL

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence

Other

**YOUR COMMENTS ON THE CASE**

I wish to support this application. Green energy is desperately needed in this country and this application therefore helps go towards helping to fulfill this need. Very importantly it also also means using using less fossil fuels and thus helping to save the planet. Climate change is happening it is a fact and unless people are happy to go back to candlelight and coal fires solar farms such as this one are absolutely vital to keep the lights on and the country functioning. This application is well thought out and of a good size so will really help contribute to the UK's ever growing need for power both now and in the future. Developments like this ARE the future and should be supported wholeheartedly.