



# NEW ASH GREEN VILLAGE ASSOCIATION LTD

Registered Office: Centre Road, New Ash Green, Longfield, Kent DA3 8HH

## Representations on planning application by EPL Newco3 Limited – 24/03422/FUL

**PROPOSED SOLAR ARRAY WITH BATTERY ENERGY STORAGE SYSTEM AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE SOUTH-EAST AND SOUTH-WEST OF NEW ASH GREEN, INCLUDING LAND AT RIDLEY COURT FARM, RECTORY ROAD AND LAND ADJACENT TO EAGLESFIELD EQUESTRIAN CENTRE, WEST YOKE; AND THE HIGHWAY LINKING THESE LAND PARCELS, KENT**

New Ash Green Village Association Limited (NAGVAL) represents the residents of New Ash Green and is responsible for the provision and management of common services and recreational facilities throughout the uniquely designed village of 2,315 homes. All the amenity land within and around the village is in the freehold ownership of NAGVAL, including highway verges.

New Ash Green was planned and developed over a period of about 20 years from 1967 as a self-contained community, demonstrating the principles of its original architect, Eric Lyons, and showing how a viable garden village could be built in a rural environment. New Ash Green has clearly defined boundaries, many of them delineated by wooded belts, which mean that after 50 years it has become an integral part of the rural scene. The boundaries of the village were subsequently strengthened by the designation of the Metropolitan Green Belt which is tightly drawn around its residential neighbourhoods.

The application site covers land immediately adjacent to the land in the ownership of NAGVAL. It also includes the verges of Redhill Road and parts of Ash Road and Chapel Wood Road which are owned by NAGVAL. It is unclear from the Transport Assessment whether the intention would be to lay cables in these sections of verge. If so, this needs clarification as only some sections are within the red line. It may be that this would be the 'contestable' part of the works, with the contractor having flexibility to select suitable works methodologies that satisfy all other consenting and permit requirements of the Local Highway Authority and landowners. We also note that the Arboricultural Impact Assessment states categorically that the cable installation will be undertaken within the roadway but this may only refer to the sections close to ancient woodland. Therefore, more clarity is needed on this aspect.

We accept that the residents of New Ash Green hold differing views about the merits of the application and this document cannot reflect all of them. We therefore carried out a survey of residents to ensure that any representations by NAGVAL reflected the views of the majority. Over two-thirds of the residents who responded (69%) agreed with the option that NAGVAL could object to the proposed development. A further 8% of residents neither agreed nor disagreed with an objection but many of those qualified their view by saying that NAGVAL must seek community benefits from the project and of those wanting NAGVAL to support the proposal, a significant number also said community benefits would be necessary to mitigate the impact.

Consequently, this representation is intended to be an objection to the application from an Article 13 party. Our reasons are set out below.

## National Planning Policy

We note the provisions of the National Planning Policy Framework with regard to renewable energy projects, particularly those on land designated as Green Belt, which includes the application site outside the confines of New Ash Green village:

*153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. [Footnote: Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.] Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

*155. The development of ... commercial and other development in the Green Belt should also not be regarded as inappropriate where:*

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; ...*

*160. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.*

*161. The planning system should ... support renewable and low carbon energy and associated infrastructure.*

*168. When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future.*

We understand that the applicant has claimed that the site should be considered to be grey belt within the Green Belt designation. We strongly dispute this claim for reasons set out below in our appraisal of Green Belt policy

We also note the statements made by the Minister of State at the Department for Energy Security and Net Zero (Sarah Jones MP) during the debate about Solar Farms on Agricultural Land in Westminster Hall on 28 January 2025. She said,

*“We should be using renewables in the best way possible. We need to look at our responsibilities in terms of the climate, agriculture, the countryside and food production. We agree that if we are building solar panels, for example, we should build on brownfield sites first. If we cannot, we should build on areas of lower-quality land first. We agree that food security is enormously important for this country.*

*“We need a resilient and healthy food system that works with nature and supports British farmers, fishers and food producers.*

*“The Government recognise that England has limited land, and the use demands on it include our vital clean energy infrastructure. The Government will deliver our manifesto commitment by introducing a land use framework so that we can consider how to balance competing demands and transform how we use land.*

*“I cannot stress enough that communities hosting clean energy infrastructure are doing a service to our country, and they need to benefit from that ... there are many ways that communities can directly benefit, including through community funds, direct payments and community ownership. We are exploring all the options, and we will have more to say about that soon.*

*“The Government remain committed to balancing the urgent need for renewable electricity with considerations of land use, food production and community benefit.”*

NAGVAL agrees that renewable energy, including solar generation, will be a vital component of the future electricity generation infrastructure for the country. However, that does not mean that all renewable energy projects should gain automatic consent without first carrying out a detailed analysis of their merits, benefits and disadvantages. Nor is there a presumption that any particular local authority area must bear a proportionate share of renewable energy production regardless of constraints and conflicting policies. There will be minimal benefit to our community from this project.

It is evident from the Minister’s comments that whilst the Government is, rightly, encouraging the development of renewable energy projects to improve the country’s self-sufficiency and resilience in power generation, there is still a hierarchy of conditions that favour the selection of sites. Considerations of land use, food production and community benefit are crucial in determining the suitability of the finite resource of land for renewable power generation.

## **THE SITE AND ITS CONTEXT**

The minimal description of the site of the main solar array does not acknowledge the topography of the area. The majority of the site (fields 2, 3, 4, 5 & 7) lies on the southeastern flank of Hartley Bottom which is a valley cut into the north-facing dip slope of the North Downs chalk with a height difference of around 55 metres between the hilltops and valley bottom. Fields 8, 9, 10, 11 & 12 comprise a re-entrant valley aligned in a north-westerly direction with woodland on its upper slopes. Fields 14, 15 & 16 are the smallest block, situated on the more level area of the dip slope with a northerly aspect. The fields as defined for the purposes of the application, are edged,

arbitrarily in a number of cases, by public rights of way which are currently footpaths but many are currently subject to applications to upgrade or add additional routes as bridleways or restricted byways. The opposite side of Hartley Bottom is home to the residential neighbourhoods of New Ash Green, some of which overlook the fields on the south-eastern side of the valley. Hartley Bottom is technically a typical chalk “dry valley”, created at a time when climatic conditions meant that flowing streams were able to cut deeply into the landscape; whilst there is no longer a permanent watercourse in the valley, the valley bottom is underlain by water-borne brickearth deposits which become waterlogged in wet weather. We note that the proposals for Switchrooms and solar panels in this location have to include measures to raise them to mitigate against surface water risk and the buildings would therefore be higher than otherwise necessary, at 5.1 metres.

Several of the submitted plans are insufficiently detailed to enable a proper assessment of the impact of buildings and other infrastructure, such as the BESS or overground cable containment. Other plans are labelled as “illustrative” including the Substation Layout. **These aspects must be conditioned if planning permission is granted to require definitive, detailed plans to be submitted for approval.**

The public rights of way that cross the main site, SD233, SD305, SD306, SD307 and SD308 are footpaths which offer attractive recreational walking routes through the open countryside and woodlands between New Ash Green and Ridley. The intended upgrading of SD307 to a restricted byway and reinstatement of bridleways SD351 and SD352 has not yet been implemented. The existence of all these rights of way enhances the value of the land as a recreational area immediately adjacent to New Ash Green within easy reach of home for walkers and, potentially, horse riders.



We calculate from Document # 204-02-01 that an area of land measuring approximately 57ha would actually be used for the installation of solar PV panels or battery storage and associated infrastructure. It is claimed that the proposed development would export up to 49.9 MW of electricity to the National Grid. However, as a general rule, a solar farm in a favourable location would be expected to occupy a minimum of 1.5ha of land for each MW of generating capacity – i.e. 75ha for the projected output in this case. This suggests that to obtain the projected output, the solar array installation would have to be much denser than average with consequent adverse environmental and ecological impacts. Alternatively, the generating capacity of the site, and therefore its financial viability and contribution to achieving Net Zero will be less than claimed. **We therefore submit that the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a Net Zero future are likely to be much less than claimed and, for this reason, should carry less weight in the consideration of the application.**

The Cable Route is stated to be proposed for installation partly in the public highway with the remainder in either a private access track or fields that are largely in equestrian use. However, Document # 204-01-03-B indicates that the application site

includes many areas of New Ash Green amenity land, owned by NAGVAL, adjacent to the public highways of North Ash Road, Redhill Road and Chapel Wood Road, extending up to and including parts of the New Ash Green neighbourhoods of Bowes Wood, Manor Forstal, Seven Acres and Westfield. The actual route to be used for cable laying is therefore open to interpretation and must be clarified. **If planning permission is granted it must include a condition that detailed plans showing the exact route of the cable should be submitted and approved before work commences on site.** The applicant has not secured or contracted any land owned by NAGVAL for the proposed works along the cable route.

The site for the Point of Connection would not have any direct impact on New Ash Green except that some of the land at Eaglesfield Equestrian Centre, which is an amenity enjoyed by New Ash Green residents, would be occupied by infrastructure, reducing its availability for recreation and detracting from the attractiveness of the adjacent public rights of way, SD228 and SD229 which provide useful off-road links for recreation.

## **THE PROPOSED DEVELOPMENT**

As noted above, we question the claimed output of the solar array of “up to 49.9MW of renewable electricity”. The proposal has been submitted in haste and with inadequate preparation.

The BESS containers and many solar panels would have to be installed across ground which slopes at up to 12%. For optimal exposure to sunlight, the installation would need to account for that by raising one end of an array by up to 1 metre for each 8 metre string. The drawings of Framing Detail only show the dimensions on level ground. **Further details to show how the solar arrays and BESS containers would be installed on sloping ground must be submitted prior to determination of the application to enable an accurate assessment of their impact.**

The BESS complex and Switchroom is proposed to be located in a prominent position in Field 3, clearly visible from the popular viewpoint 6 at the crossing of public rights of way SD73 and SD 233 on the opposite side of the valley as shown in the Landscape and Visual Appendix E (Part 14 of 21). This, along with the surrounding solar panels, would particularly accentuate the industrial aspect of the development and destroy the perception of a rural environment.

Similarly, the Switchrooms close to the edge of the site near Cuckolds Corner in Hartley Bottom would be prominent industrial-type buildings over 5 metres in height, surrounded by a 5 metre high screen, dominating views of the existing rural location. The proposed landscaping would take many years to mature sufficiently to mitigate this impact.

It is claimed that the proposed landscaping on the northern fringe of the site would serve to create a ‘woodland walk’ along the public rights of way. However, the attractiveness of the site for recreational walking is enhanced by the present mixture of wide open aspects of agricultural land interspersed by the existing areas of ancient woodland. This balance of open and wooded landscape would be lost if this development takes place. The undulating hillsides mean that it would be impossible

to use planting to hide all views of the solar arrays without creating an enclosed tunnel effect along many of the public rights of way.

It is said that operational access would be via the main Site access off Hartley Bottom Road. We note that the Planning Layout # 204-02-01 also shows access tracks running to the edges of the site alongside the water pumping station entrance in Hartley Bottom and at the field gate where PROW SD305 meets New Street Road at the top of Field 4. The roads at both these locations are narrow single-track lanes which are unsuitable for any additional use. **If planning permission is granted there must be conditions prohibiting the use of these gateways by any vehicles for access to the site and removing permitted development rights under Part 4 Class A to all construction compounds.**

Access to the site for construction activities and decommissioning is proposed to be along Chapel Wood Road, Redhill Road and North Ash Road. These roads are subject to speed limits of 40 or 60mph but provide access to residential neighbourhoods and footpaths. The extra traffic during the construction and decommissioning phases would be an additional hazard. **For the protection of pedestrians and road users we request a temporary reduction in the speed limit during these periods.** Redhill Road runs alongside NAGVAL's sports field and is frequently used for overflow parking when sporting fixtures take place on Saturdays. **We therefore ask that the proposed times for deliveries on Saturdays are not permitted because of the potential traffic conflicts.** These requirements should be embodied in the Construction Environment Management Plan. **This Plan must be conditioned for prior approval.**

We note that the main contractor would be required to develop a local community liaison strategy. **The strategy should be conditioned for prior approval and must include liaison with NAGVAL as the principal local landowner.**

**NAGVAL requests that decommissioning is carefully controlled by appropriate conditions to ensure that it is carried out at the end of life of the site.**

## **THE NEED FOR THE DEVELOPMENT**

### Local Need

The Local Need Assessment is predicated on the assumption that every local authority, whether district or county, is expected to make a proportionate contribution to the national renewable energy infrastructure. However, every authority will have a unique set of parameters which define how and where any contribution can be achieved. It is unreasonable to expect authorities to ignore constraints and in some cases it will be impossible to do so, for example inner London authorities cannot possibly identify land for solar arrays within their boundaries and must focus on other means to ensure that reasonable provision is made for renewable power generation such as introducing planning policies that require the maximum possible solar PV panels on new build properties. We submit that authorities like Sevenoaks District Council which have a very large proportion of protected landscape, including Green Belt, are in an equivalent position and cannot be expected to allow development of otherwise unsuitable land to meet an arbitrary target. The Government has, rightly, not imposed quantified targets on local authorities and has merely asked that all

proposals for renewable energy should be considered on their individual merits including, in Green Belt locations, whether there are very special circumstances to justify permitting them. Such very special circumstances could include the wider environmental benefits associated with increased production of energy from renewable sources, but those benefits must, as explained by the Minister, be balanced against considerations of land use, food production and community benefit in each case.

NAGVAL contends that the application site has very great value because of its attractive rural scenery, conveniently situated close to, and within sight of, a large centre of population for which it provides convenient recreational opportunities that would be seriously weakened by the proposed development. So, in this case the balance is firmly weighted against granting permission. Additionally, as explained below, the agricultural value of the site in its current mixed uses is an added aspect to tip the balance further away from the possibility of granting permission.

### National Energy Policy and Strategy

NAGVAL supports Government policy on renewable and clean energy which does not require imported raw materials and fuel. We agree that the development of low carbon technologies, including for electricity generation, is an essential component of the country's response to climate change and working towards the three pathways to achieve net zero by 2050 established by the UK National Energy System Operator. In line with the National Planning Policy Framework, we do not dispute that there is no need to demonstrate the principle of the overall need for renewable or low carbon energy and we will willingly encourage small scale projects that help to meet that need, for example by supporting the installation of roof-top solar PV panels throughout New Ash Green. This principle does not however give *carte blanche* to any and all proposals regardless of other consequences, so the balancing exercise still applies as explained above.

## **ENVIRONMENTAL EFFECTS**

### Landscape and Visual Effects

In the opinion of NAGVAL, the Landscape and Visual Impact Assessment undervalues the importance of the site which depends, not just on its physical attributes (which are significant) but also on the proximity of the substantial villages of New Ash Green and other surrounding settlements. The site's importance is therefore emphasised by its accessibility such that it can easily be reached on foot by up to 10,000 inhabitants and offers recreational opportunities without the necessity of using vehicles to access them. Whilst acknowledging that all English landscapes are the result of human intervention in some form, the open countryside to the east of New Ash Green is the closest 'unspoilt' natural environment in which people can escape from the confines of the village. The juxtaposition of fields and woodland enhances the rural setting of New Ash Green which was one of the guiding principles for Eric Lyons when he designed the 'garden village' sixty years ago and still attracts people to live in the area.

The development would dominate the view of the valley from locations well away from the site, as well as in closer proximity, because the slope of the land means it would be impossible to screen it adequately even after the additional planting had matured.

Views would be dominated by reflective solar panels, metal frames, containers for equipment, fencing, and security infrastructure. We note that Kent Police recommend security fencing higher than that proposed by the applicant.

NAGVAL notes particularly the viewpoints selected for the visual appraisal but we point out that the photography was carried out in the summer when the largely deciduous trees were in full leaf. We have concentrated on the viewpoints situated on the western side of Hartley Bottom because they represent the initial aspect seen by people approaching the site from New Ash Green since first impressions are always the most important. Thus VP1, VP2, VP6, VP7 and VP8 are the key locations in this respect although that is not to devalue the adverse impact of the development when seen from viewpoints



Photographs are taken from houses and gardens of properties at 15-20 and 57-64 Redhill Wood which overlook Fields 3, 4, 5 and 7.

around other parts of the site.

VP1 shows that houses in Redhill Wood neighbourhood would have a good view of the solar arrays and other infrastructure in Fields 4, 5 and 7, especially from the windows of upper floors, with a much greater impact in autumn, winter and spring when the trees have no leaves. The photograph

is misleading in that the chosen viewpoint is on the western side of the neighbourhood from where houses and trees in full leaf obstruct much of the view. Houses on the eastern side have a clear view of the fields, some only 30 metres from the solar array, and would be seriously impacted. The photographs here illustrate this impact.

VP2 photographs show the present rural landscape stretching up the valley side that is seen at Cuckolds Corner as soon as New Ash Green is left behind. It would be





transformed into an industrial scene with the solar arrays dominating most of the area and figure 3.2.3 illustrates the area where the rural view southwards from the road and the start of the public footpath would be dominated by a 5.1 metre high building and acoustic fence. In the course of time additional planting may help to screen the building but not the security fencing and access roadway, so the impact on the locality would be severe.

VP6 is at the intersection of public footpath SD233 and byway SD73 where they emerge from White Ash Wood high on the opposite side of the valley from the application site to reveal the wide vista of Hartley Bottom. As can be seen from the photographs, from this high viewpoint large sections of the solar array would be visible. Any additional planting would make no significant difference because of the height difference as evidenced by comparing figures 3.6.2 and 3.6.3. This area is greatly used by people using the public rights of way for off-road circular walks from New Ash Green to Hartley Bottom or Ridley and beyond. This is a popular resting place where people stop, especially when walking up the hill, to admire the 180° view shown below.



VP7 is a longer view from footpath SD240 which provides a popular walking route from Ash church to Berry's Maple and beyond to Hodsoll Street, Stansted and Ridley. Although the deletion of the proposed solar array in Field 1 is appreciated, the footpath still provides views in a northeasterly direction towards Field 2. From further up the path, nearer to Ash, more extensive views of the site would be possible. So, the present totally rural nature of this path would also be significantly compromised by the introduction of the industrial landscape of fields of solar PV panels.

VP8 illustrates clearly the worst features of the proposed development when seen from the much-used footpath SD233 (and proposed bridleway). The view to the north, now open fields with distant woodland and hedges would be replaced by an expanse of solar panels just a few metres from the path and stretching into the distance extending well above head height. The proposed planting would not be established and have much effect for quite a few years and, even then, would not mitigate against the loss of the open aspect while it would undoubtedly still be possible to see glimpses of the solar array.

### Trees

NAGVAL notes that the Arboricultural Survey highlighted three ancient woodlands located adjacent to the roadway along the Cable Route which have the possibility to be impacted by the cable installation due to their proximity to the proposed works. These woodlands are on land belonging to, and managed by, NAGVAL. Although the document says that the cable installation will be undertaken within the roadway, this is not apparent from other submitted documents and the red line on the site plan shows that sections of verge on the roadside immediately beyond these woodlands could be used. As noted below under Traffic and Transportation, the proposed construction of passing areas on North Ash Road is also likely to have a significant impact on the

ancient woodland of Redhill Wood. We do not understand how a 15 metre buffer zone could be achieved. This is not included in the Arboricultural Method Statement. **We therefore support the SDC Tree Officer and ask for more clarity and consultation on this aspect with suitable provision by conditions requiring the applicant to be responsible for any disturbance to protected trees during and after construction.**

### Traffic and Transportation

The Transport Assessment offers the best-case scenario in the event that the application is approved. However, it is a simplistic view of the ability of the local road network to cope with the traffic associated with the proposed development and fails to take into account local knowledge and circumstances. With regard to the traffic generated during the construction and decommissioning phases, as well as any necessary repair and maintenance, we note the intention to prepare a Construction Traffic Management Plan for prior approval. NAGVAL submits that this CTMP must apply to traffic serving the development, including for maintenance, throughout its lifetime from construction to decommissioning. We also ask that it takes note of:

- The proposed Construction Traffic Route includes two pinch points which are hazardous for HGVs: on New Barn Road adjacent to Scadbury Manor and on B260 Main Road between its junctions with The Drive and New Barn Road. These roads are materially substandard despite the claims to the contrary.
- The railway bridge in Longfield has a restricted headroom of 15 feet.
- Five schools have their sole access from the Construction Traffic Route: Langafel Primary, Rowhill School, Longfield Academy, Hartley Primary and Milestone School. These generate large volumes of traffic and significant congestion at the beginning and end of the school day. We note with concern that the site visit by Axis was on 26 July 2024, during the school holidays, so it would provide an unrepresentative picture of the term-time situation.
- Parked cars on Ash Road outside Hartley Post Office frequently lead to traffic congestion and delays.
- The northern end of Chapel Wood Road is extensively used as a car park by staff



← ↗ Chapel Wood Road ↘



from Milestone School, often with more than 30 cars. This restricts the width of the road so that HGVs would not be able to pass oncoming traffic.

- Redhill Road and Chapel Wood Road suffer from parked cars adjacent to residential neighbourhoods because of limited space for parking within the neighbourhoods. There is generally no lighting on these roads so we submit that the CTMP must prohibit their use by construction traffic between dusk and dawn.
- The right turn from Redhill Road into North Ash Road would be impossible for HGVs without obstructing both carriageways where there is limited visibility.
- No traffic counts were conducted on West Yoke, which is a single-track road with no footpaths, used as an access by vehicles, pedestrians and horse riders to Redlibbets Golf Club, West Yoke Farm industries, Eaglesfield Equestrian Centre and the new housing development at Fawkham Manor, as well as a secondary route westward from New Ash Green. We do not understand how any measures could be taken to ensure that construction traffic could be accommodated safely without compromising road safety or accessibility for other users. Paragraph 6.1.9 and Image 6.1 of the Transport Assessment suggest that Butchers Lane might be a potential diversion route when cable laying closes West Yoke. This road is the narrowest single-track road with a 6ft 6in width restriction; it is not suitable



↓ Butchers Lane ↑ ↘



for anything more than traffic to the homes and businesses along its length. The other suggested potential diversion route uses Michaels Lane which is equally narrow; it includes a steep hill and the narrow Fawkham Green Road. Neither would cope with the usual traffic on West Yoke. If West Yoke is to be closed, the CTMP must take full account of the unsuitability of these narrow lanes and make appropriate provision for all types of traffic.



West Yoke

- Idleigh Court Road, New Street Road and Hartley Bottom Road are totally unsuitable for any extra traffic, even for emergency use, so the proposed secondary entrances to the main site from those roads must not be used in any circumstances. Full provision must be made within the site for all vehicular traffic.

NAGVAL notes that it is proposed to create three permanent passing places for HGVs on North Ash Road. We agree with the comments from KCC Highways dated 19 February 2025. The trees on either side of the lower part of this length of the road, where two of the passing places are proposed to be located, are subject to a Tree Preservation Order and are partly classified as ancient woodland. Whilst we appreciate that passing places could be useful in the longer term, we draw attention to the fact that NAGVAL is the owner and responsible for maintenance of the entirety of the verges on the sides of the metalled carriageway. The applicant has not sought permission to carry out any works on NAGVAL land. The Memorandum of Association of NAGVAL does not permit the disposal of leasehold or freehold interests of land except in certain defined circumstances which do not apply in this case. NAGVAL is opposed to making any of this land available. **The proposed passing places could only be created if the plans are acceptable to KCC Highways and NAGVAL.** An active badger sett has also been reported in the woods. As for the Cable Route, a 15 metre buffer zone is unachievable. There are no 'wholly exceptional reasons' within the meaning of paragraph 193 (c) of the NPPF to justify the loss of any trees. **Suitable conditions must be applied if planning permission is granted, to protect the trees and wildlife adjacent to the Cable Route.**

NAGVAL also stresses the importance of the public rights of way that cross the fields within the application site. The intention to turn these from open paths to narrow corridors delineated by security fencing and hedgerows would destroy their value as country walks and would be seriously detrimental to the well-being of the many New Ash Green residents who regularly use these paths for exercise, easily accessible on foot from their homes.

The holding objection submitted by the Kent Public Rights of Way & Access Service is supported because it is fundamental that public rights of way and their users are fully protected in the event that planning permission is granted.

### Noise

At the present time there is little background noise at the application site so any noise from equipment, even minimal, would be noticeable both to walkers and to residents in nearby houses. The location is inappropriate in an area which is so close to residential property and much used for recreational walking.

### Ecology and Nature Conservation

NAGVAL considers that the Ecological Impact Assessment is flawed and misleading in several respects and should be subjected to detailed expert analysis. For example, we note:

- Paragraph 6.12 of the Ecological Impact Assessment states that 0.02ha of 'w1f Lowland mixed deciduous woodland' (ancient woodland) will be removed to facilitate development – this is unacceptable;
- No survey work was apparently carried out to assess trees being removed around the main site for their Veteran/Ancient potential (and irreplaceable habitats) nor for invertebrates, which were not considered at all within the Ecological Impact Assessment despite the abundant habitat for priority and protected species;
- Nearby woodland managed by NAGVAL has been proved to accommodate a breeding population of hazel dormice so the failure to identify any potential for the Main Site to support them suggests that only a cursory and inadequate survey was undertaken;
- Most of the Main Site has been grassland pasture and can be seen to have been permanent pasture (present for more than 5 years) using historical imagery for numerous years despite its description in the Ecological Impact Assessment as 'predominantly arable'.
- Land on the Cable Route within NAGVAL's ownership at the junction of Ash Road and Chapel Wood Road is described as 'species poor grass dominated habitat' but this area was actually re-seeded as part of a 2ha village wide wildflower meadow creation scheme funded by Plantlife and is maintained as such through funding from the National Lottery and volunteer time.
- The timing of survey work (15 – 19 July 2024) is well outside the best windows for completing ancient woodland surveys (April – Mid May) and Grassland Surveys (May – mid June) so is unreliable.
- The assessment of the main site's suitability as a habitat for species such as common lizard, slow worm, grass snake, great crested newt, turtle dove, skylark and corn bunting is not followed up with proposals for the creation of suitable alternative habitats.



- The project describes the habitat delivery as 'Other Neutral Grassland' suggesting that they are creating habitat on neutral leaning soils but in fact the entire site is on chalk, or superficial deposits derived from chalk, and is therefore alkaline in nature.

This project cuts through wildlife corridors and ancient hedgerows and disrupts natural habitats; it ignores legal protections for biodiversity, and once these habitats are lost, they cannot be replaced.

### Glint and Glare

NAGVAL notes that mitigation measures are proposed to limit the inevitable glint and glare from the solar panels which would impact nearby houses, roads, wildlife and, potentially, air corridors. We do not believe that these would be sufficient to deal with this important aspect and request the Council carries out an independent assessment of the applicant's submissions.

### Surface Water and Flood Risk

Hartley Bottom is already subject to flooding, blocking roads and making footpaths virtually impassable. The solar panels would disrupt the natural drainage, preventing the soil from absorbing rainfall and concentrating runoff on the steep slopes so that it leads to increased erosion and the deposit of material in the valley bottom and on roads. There would also be potential for contamination of groundwater and water supplies for the local area, and an increased likelihood of flooding on roads.

### Archaeology and Cultural Heritage

The heritage of the ancient village of Ridley, its farming history and its value as an unspoilt island of calm within north west Kent, where much of the wider area has been altered by twentieth century developments, would be desecrated by the intrusion of insensitive industrial infrastructure which would be totally alien to the historic agricultural landscape.

NAGVAL supports the views of Kent County Council's Senior Archaeological Officer, and we believe that the applicant's assessment of the archaeological potential of the site has been minimal and, given the existence of other areas of importance nearby, must be supplemented by the further recommended work before any decision about granting planning permission is made.

### Agricultural Land Classification

NAGVAL agrees with the Minister's view that if we are building solar panels, we should build on brownfield sites first. If we cannot, we should build on areas of lower-quality land first. We agree with her that food security is enormously important for this country.

We note that the greatest proportion of the site which would be used for the installation of solar panels is classed as Grades 2 and 3a in the ALC system; this is defined as best and most versatile (BMV) agricultural land. That accounts for 53% of the whole site but a further 19% is non-agricultural (woodland) leaving only 28% as subgrade 3b

– downgraded principally because of the steeper gradient of the land which affects its versatility. Therefore 65% of the agricultural land within the site is BMV land.

Notwithstanding that the steeper topography of the valley sides is responsible for the subgrade 3b classification of a small proportion of the site, these areas, with the woodland areas, are important attributes of the intrinsic character and beauty of this part of the countryside. The fields which have the mix of land grades are, in practice, managed as a whole with no apparent distinction between grades 2, 3a and 3b.

The proposal is therefore contrary to paragraph 187 of the National Planning Policy Framework which states that:

*Planning 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.*

### Security and Safety

NAGVAL is concerned that as the site would be unmanned for most of the time it would be vulnerable to theft and antisocial activities which are likely to result in danger to the public. The proposed boundary treatment could easily be breached and there is no indication of what the response time would be when unauthorised entry is detected by CCTV or other security systems. Telecommunications cables in the immediate area have been targeted by thieves on several occasions in the recent past and the application site would be vulnerable to similar attempted theft. We note that the proposed security fencing does not comply with the advice from Kent Police.

We are also concerned that the application does not contain the measures requested by Kent Fire and Rescue Service in their letter of 29 January.

## **PLANNING POLICY CONTEXT AND APPRAISAL**

### Green Belt

NAGVAL does not understand the imperative to develop the solar farm as admitted 'inappropriate development' within Sevenoaks District's Green Belt. Green Belt is required to prevent urban sprawl and safeguard our rural landscape, notably in this case around the densely developed community of New Ash Green. The site is not poorly performing 'grey belt' but is much valued unspoiled agricultural countryside, so the exception provided by the footnote to paragraph 153 of the NPPF does not apply. There are no 'very special circumstances' to justify the inappropriate development. There is no evidence of the criteria for choosing this site other than its apparent availability within the arbitrary boundary of Sevenoaks District Council, and no sound reasoning for the necessity of destroying BMV agricultural land in this way. The north to northwest aspect of the majority of the site suggests that it was not chosen as the

optimal location but merely because it happened to be available. That is neither good nor efficient justification.

The applicant has claimed that the appeal decision relating to land off Chapel Lane, Great Barr, Walsall (Ref: APP/V4630/W/24/3347424) supports their contention that the application site at Ridley Court Farm is 'grey belt'. We strongly refute this claim because the two sites, and the proposed development of each, are not comparable for the following reasons:

- The topography of the Great Barr site is flat and the site is traversed by two electricity transmission lines with large pylons.
- The Great Barr site is directly adjacent to the electricity grid network so does not require the 2 mile-long cable route to connect to the grid.
- Whilst it was agreed that the use of the Great Barr site for grazing horses does count as agricultural use, the land is not used for food production.
- The Great Barr site is 3.185 ha, compared to around 95 ha of the Ridley Court Farm site.
- The proposal at Great Barr is only for 44 BESS containers and associated infrastructure but no solar panels. On the Ridley Court Farm site the 48 BESS containers are a small fraction of the proposed development.
- There are no nearby houses at Great Barr whereas the Ridley Court Farm site is as little as 30 metres away from houses in New Ash Green.
- The Sevenoaks Green Belt Study is not in error in claiming that New Ash Green is an historic settlement. The village was conceived 60 years ago by the eminent architect, Eric Lyons, and represents the culmination of his vision of a new 'village in the countryside'. It is a unique example of mid-twentieth century planning and the surrounding countryside is vital in preserving its character. It remains a successful model of how to integrate a garden village into a rural landscape.
- Only one designated public right of way crosses the Great Barr site but it is said to be out of use and blocked. The application site in Ridley and Ash affects eleven existing well-used public footpaths and additional proposed bridleways and byway.

To qualify as 'grey belt' the land in question must be previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 of the NPPF. The following photographs illustrate the stark contrast between the site at Great Barr and the current application site:



Chapel Lane, Great Barr ↑



Ridley Court Farm →



The application site at Ridley Court Farm is not previously developed land. The 95 ha of this site is crucial, along with the rest of the Green Belt surrounding New Ash Green, in checking the unrestricted sprawl of this unique settlement. It preserves the rural gap between New Ash Green and the ancient hamlet of Ridley. The setting and special character of New Ash Green must be protected if it is to continue to serve as an example of a garden village development.

**NAGVAL therefore contends that the application site cannot be considered to be ‘grey belt’ and the applicant’s attempts to prove otherwise are unsubstantiated and not to be trusted.**

Notwithstanding our view that the application site does not fit the definition of ‘grey belt’ NAGVAL also maintains that the proposed solar farm would fundamentally undermine the purpose of the Green Belt by encroaching on the countryside immediately adjacent to New Ash Green and by adding a large area of clearly visible developed land with an industrial appearance next to the village, fail to protect the setting and special character of the historically important community. We support the comments by the Council’s Urban Design Officer regarding the landscape impact and sensitivity.



This aerial view of the North Downs countryside, looking south east from above New Ash Green, clearly illustrates how the Main Site, situated within the yellow line, would have a devastating impact on the setting and rural surroundings of the iconic village.

The forty-year projected life of the industrial-type site would last beyond the lifetime of many of the people who value their rural surroundings so the ‘temporary’ claim is meaningless for them and, with the principle once established, the likelihood of a further planning application being submitted at the end of the site’s life is very real, so it is far more likely to continue as a permanent blot on the landscape.

## Community Benefits

The Local Need Assessment is a misnomer because it relies largely on national need, which is not disputed, but that must be met by a national solution, not one which is drawn up in a piecemeal fashion in local areas.

In the Parliamentary debate on 28 January the Minister was very clear in stressing that “communities hosting clean energy infrastructure are doing a service to our country, and they need to benefit from that”. Benefits from this scheme for the community of Ash-cum-Ridley Parish and the surrounding area would be negligible.

The applicant stated in pre-application consultations that an annual, index-linked community fund of around £15,000 per annum would be established to provide a benefit to the local community if planning permission is granted. We do not believe that this could be achieved through planning conditions so in order to secure this fund if the application is approved, and provide some minimal mitigation for the impact on the local area, **the fund must be established through a Section 106 Agreement negotiated by the applicant, and binding on its successors, with the Council and the representative community bodies that will administer the fund, before the Council grants planning permission.** NAGVAL, as the most significant provider of community facilities in New Ash Green and the major landowner between the two sections of the site, would want to be a party to these negotiations but we submit that the derisory annual contribution would be far from sufficient recompense for at least forty years of disruption to the lives of the people of Ash, Hartley, Ridley and New Ash Green. It represents barely £2 per year for each person in the Parish whilst in 2024 NAGVAL spent over £83,600 on electricity, repairs and maintenance for street and path lighting in New Ash Green plus more than £10,000 on heating and lighting for its buildings.

The power generated would not benefit any local properties or services because it would be fed directly into the National Grid. Furthermore, we suggest that by doing this and if the available grid capacity had thereby been fully utilised, there would be an adverse impact on the ability of NAGVAL or other local organisations and residents to develop profitable microgeneration schemes which would provide a local benefit.

## **CONCLUSIONS**

NAGVAL acknowledges that there is little doubt that we are close to a point where climate change is a reality and that if left unchecked will have very serious consequences for large parts of our planet. The development would clearly make a significant contribution to providing energy from a renewable source. The National Planning Policy Framework encourages the development of renewable and low carbon developments whilst Government wants to accelerate the development of renewable and low carbon technologies through the deployment of wind, nuclear, solar and hydrogen generation facilities located on previously developed, or lower quality value land where possible, and to avoid, mitigate and compensate for impacts of using greenfield sites.

The NPPF requires substantial weight to be given to any harm to the Green Belt, including harm to its openness so local topography is an important factor in assessing whether large scale solar farms could have a damaging effect on landscape. The

policy support given for renewable energy projects in the NPPF is caveated by the need for developers to demonstrate very special circumstances if projects in the Green Belt are to proceed. So, notwithstanding the temporary nature of the proposal, we submit that there would be significant harm to the character and appearance of the area, and these impacts would not be capable of being made acceptable. This means that, over the lifetime of the development, the harm to the character and appearance including the landscape outweighs any benefits.

Protecting local amenity is also an important consideration which should be given proper weight in planning decisions. In this case, the solar farm would be mounted largely on sloping land with a very significant zone of visual influence extending across attractive and locally valued countryside with long reaching views. The attempts by the applicant to prove that this site is 'grey belt' are implausible and should carry no weight in the planning balance.

The need for renewable or low carbon energy does not automatically override environmental protections and in the overall balance, the harm caused to landscape character, including ancient woodlands, and visual amenity is decisive. The adverse impacts cannot be addressed satisfactorily on a site of this size and character, and the suggested planting mitigation measures would be seriously out of keeping and would largely worsen, rather than mitigate for the landscape and visual impact.

A further significant fact is that this proposal would harm the BMV resource, which amounts to about two thirds of the total available hectarage and would have an unacceptable impact on the contribution that a large proportion of the site makes towards food security for a significant period. We recognise the time limited nature of the proposal, and that some limited agriculture may well continue during the scheme's lifetime although no guarantees have been offered. However, it has been established at a number of appeal hearings that the 40-year life would constitute a generational change and therefore carry little weight.

While collectively there may be some benefits arising from the proposal, although very little would be of local relevance, the harm that would be caused by allowing the industrial development of this BMV farmland over a period of 40 years would be of greater significance. Taking all this into account, NAGVAL submits that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission and outweigh the benefits identified, so the proposal would be in conflict with the development plan and the NPPF and would not constitute sustainable development.

Finally, whilst this is not strictly a planning consideration, we do not believe that, given the necessity for the further investigations identified by statutory consultees and other relevant parties, this project will meet strategic alignment under the National Energy System Operator's Gate 2 Readiness Criteria. It will not therefore be able to connect to the National Grid for some considerable time. We suggest that, if planning permission is to be granted, it should be time limited, without the possibility of being secured by a token implementation, so that another full application has to be made for any future project and given full consideration in the light of all relevant current policies and circumstances at that time.

**NAGVAL therefore objects to the application to construct a solar array with battery energy storage system and associated infrastructure on land to the south-east and south-west of New Ash Green, including land at Ridley Court Farm, Rectory Road and land adjacent to Eaglesfield Equestrian Centre, West Yoke; and the highway linking these land parcels.**

The reasons for our objection are that:

1. The proposal would constitute inappropriate development in the Green Belt and would result in harm to the openness in both spatial and visual terms. The development also conflicts with one of the Green Belt purposes which is to safeguard the countryside from encroachment. The harm must be afforded substantial weight in accordance with paragraph 153 of the National Planning Policy Framework. The site is highly performing Green Belt and does not meet the criteria for consideration as 'grey belt'. The case for very special circumstances does not clearly outweigh the harm and other harm identified. The development is therefore contrary to policies LO1 and LO8 of the Sevenoaks Core Strategy and the National Planning Policy Framework.
2. The proposed development would not create any significant local benefits and would not contribute to and enhance the valued natural and local environment and is therefore contrary to paragraph 187 (a) of the National Planning Policy Framework.
3. The proposed development would result in a long-term loss of Best and Most Versatile Agricultural Land. This loss has not been adequately justified with regard to availability of alternative lower grade agricultural land in the local area. The development would therefore be contrary to paragraph 187 (b) of the National Planning Policy Framework.
4. The proposed development would negatively affect the character and visual amenity of the local and wider landscape and would therefore be contrary to policies LO8 of the Sevenoaks Core Strategy and EN1 of the Sevenoaks Allocations and Development Management Plan.
5. Construction of the proposed development would have an unacceptable adverse impact on protected ancient woodland, contrary to paragraph 193 (c) of the National Planning Policy Framework, and policies LO8 of the Sevenoaks Core Strategy and EN4, EN5 and GI2 of the Sevenoaks Allocations and Development Management Plan.

If the applicant cannot provide, prior to determination, adequate information necessary to prove compliance with the community mitigation measures, ecological assessment, road access and fire safety objections referred to above, these aspects should be added as additional reasons for refusal.