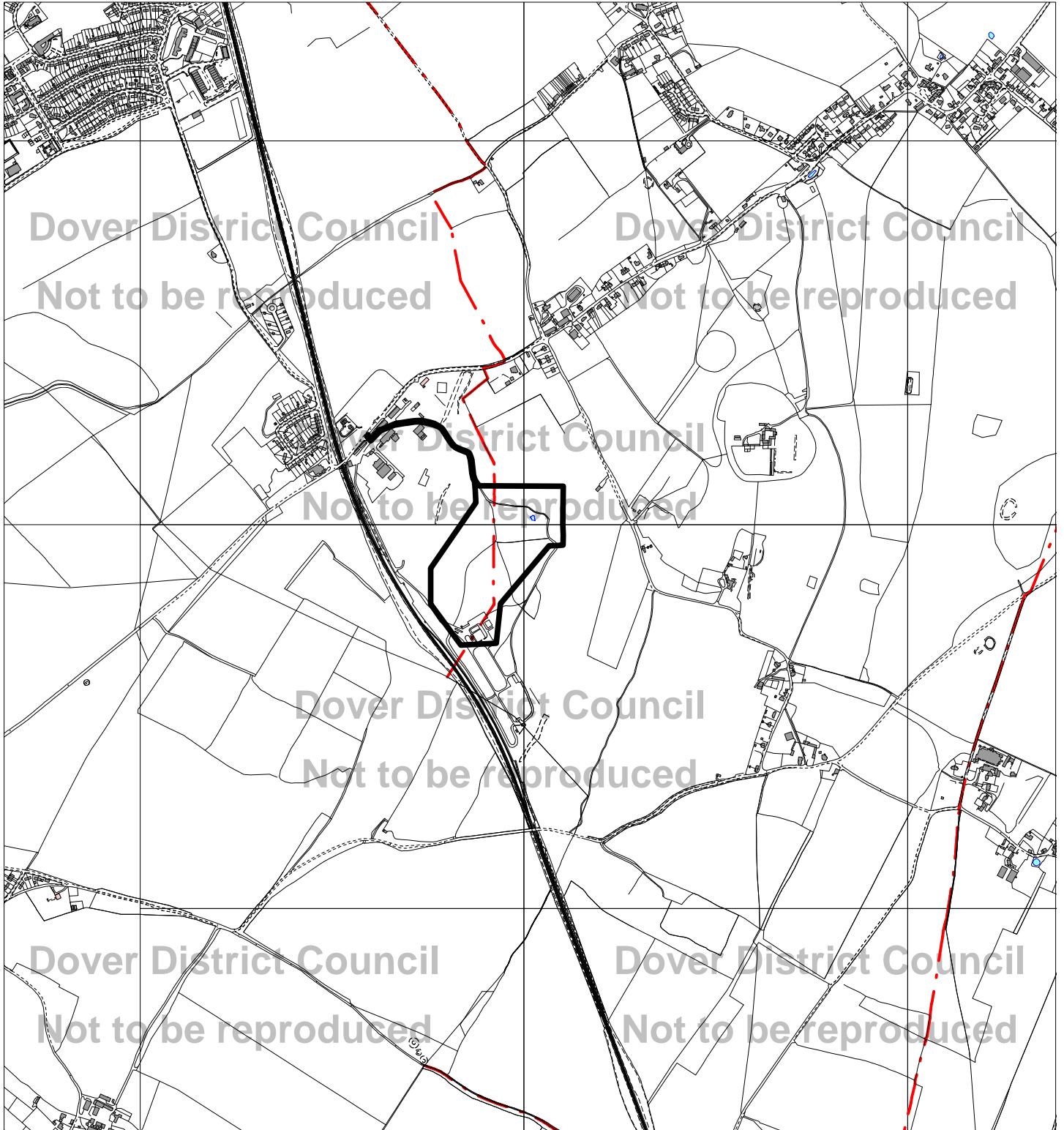


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Application: DOV/15/00777

Snowdown Colliery

Snowdown

Aylesham

TR24845097



- a) **DOV/15/00777 - Proposed solar park comprising the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks, ancillary equipment and ecological mitigation – Former Snowdown Colliery, Snowdown**

Reason for report: Level of public interest.

- b) **Summary of Recommendation**

Planning Permission be Granted.

- c) **Planning Policy and Guidance**

Dover District Core Strategy (CS)

- Policy DM1 states that development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- Policy DM15 states that development which would result in the loss of or adversely affect the character or appearance of the countryside will only be permitted if it is; i) in accordance with development plan documents; ii) justified by the needs of agriculture; iii) justified by the need to sustain a rural economy or community; iv) it cannot be accommodated elsewhere; and v) it does not result in the loss of ecological habitats. Measures should be incorporated to reduce as far as practicable any harmful effects on countryside character.
- Policy DM16 states that development which would harm the character of the landscape will only be permitted if, inter alia, it incorporates any necessary avoidance or mitigation measures and can be sited to avoid or reduce harm and /or incorporate design measures to mitigate the impacts to an acceptable level.

Dover Core Strategy Evidence Base

- Sustainable Construction and Renewable Energy. Evidence base for sustainable construction policies and testing of renewable energy capacity and feasibility of the Dover District Council Core Strategy 2006 – 2026.

Dover District Local Plan 2002

- Policies AS16 and AS17 previously relating to development of former colliery site for B1/B2/B3 uses, deleted following adoption of Sites Allocation Plan 2015 on basis that the site was no longer considered viable for development.

National Planning Policy Framework

- Paragraph 17 sets out core planning principles including reference to encouraging the use of renewable resources.
- Paragraph 98. LPAs should not require applicants for renewable energy to demonstrate the overall need for renewable and carbon energy. Applications should be approved if impacts are (or can be made) acceptable.

- Paragraph 109. Planning system should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes.
- Paragraph 111. encourages the effective use of land by reusing brownfield land provided it is not of high environmental quality.
- Paragraph 112 indicates that significant development of agricultural land should be shown to be necessary and, where this is demonstrated, areas of poorer quality land should be used in preference to that of a higher quality.
- Paragraph 128-136. LPAs should assess significance of any heritage asset which may be affected by a proposal. Where proposal would lead to less than substantial harm, harm should be weighed against public benefits of proposal. The more important the asset the greater the weight should be.

National Planning Practice Guidance

Introduced on 6 March 2014. Provides guidance on a number of planning issues, including solar farms, under the heading of renewable and low carbon energy.

- Paragraph 001. Planning has important role to play in delivery of new renewable and low carbon energy infrastructure.
- Paragraph 003. The UK has legal commitments to cut greenhouse gases and meet increased energy demand from renewable sources.
- Paragraph 007. Need for renewables does not automatically override environmental protections. Local topography important factor in assessing impact of wind turbines. Impact can be as great in predominantly flat landscapes as hilly areas. Great care should be taken to conserve heritage assets in manner appropriate to their significance. Proposals in AONBs or areas close to them where there could be an adverse impact will need careful consideration.
- Paragraph 013. Focussing large scale solar farms on previously developed land and non agricultural land, provided it is not of high environmental value. Where a proposal involves greenfield land, whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land.

Other Government Policy Statements

- Renewable Energy Directive 2009 requires UK to provide 15% of energy consumption by renewable sources by 2020. By 2011 6.8% of electricity produced from renewable sources. UK Renewable Energy Strategy 2009 suggests UK has potential for renewables to provide over 30% of energy needs by 2020. Latest figures suggest 15% figure will be achieved but further targets will be required beyond 2020.
- Speech by Minister for Energy and Climate Change 25 April 2013 – emphasises that brownfield land should be preferred and where solar farms are not on brownfield land preference is for low grade agricultural land.
- Speech by Planning Minister 29 January 2014 – emphasises NPPF considerations and that where land is designated at a relatively high grade it should not be preferred for the siting of such developments.

- Speech by Minister for Energy and Climate Change 22 April 2014 – main message from UK Solar PV Strategy is that Government keen to focus on domestic and commercial roof space and on previously developed land.
- UK Solar PV Strategy Part 2 – April 2014. Confirms central role that solar PV can play in UK energy mix. Forward by Minister explains that UK has potential to install up to 20GW of solar early in the next decade. Report points out that solar PV enjoys the highest public approval rating of any energy technology, typically above 80%.
- Guide issued by Department of Energy & Climate Change May 2104, stresses the continuing importance of role the planning system has to play in delivering renewable energy and provides case studies of wind farms and solar farms.
- 28 October 2014 Department of Energy and Climate Change re-issued its Policy for increasing the use of low carbon technologies to ensure the country has a secure supply of energy to reduce greenhouse gas emissions.

d) **Relevant Planning History**

06/01208 – Outline application for mixed use development comprising office/workshop/light industrial/manufacturing/public open space and off site highway infrastructure works – Application not determined.

e) **Consultee and Third Party Responses –**

Environmental Health Officer – notes land contamination study and agrees with conclusions that further sampling should be undertaken to confirm quality. No objections subject to standard contamination condition.

Ecology Officer –notes ecological supporting information and results of invertebrate report which confirms that there appear to be no constraints. No objections and notes scope for enhancement within project.

KCC Highways – Initially expressed concern over proposed routing arrangements. Notes revised transport statement and raises no objections subject to provision of visibility splays, parking provision, loading/off loading, a construction management plan, and decommissioning plan.

Environment Agency – Initially raised an objection because insufficient information to be satisfied that there would be no risk of pollution to underlying aquifer as a result of construction works and ground disturbance. Requested further information and some trial sampling to assess further. Awaiting further comments in relation to revised information from applicants.

KCC Archaeology – Former colliery represents important heritage asset and includes only listed structures that relate to former coalfield. Important to assess any impact on views of listed structures and any buried remains.

Third Party Responses

Kent Coal & Community – Feel project should be supported as a good use of the tip site but concerned about access. Better to use old aggregate road which runs down side of railway and is access road to substation at south of site.

Geoconservation Kent – National group who care about conservation of geological sites. Look to identify sites for further research and educational use. Tip is composed of sedimentary rock 310-305 million years old and provides good opportunity to conserve site. Request that store is provided for retrieval of any blocks unearthed during levelling process and then retained for community study.

Aylesham Parish Council – Proposal should involve comprehensive assessment of whole site. Road infrastructure inadequate and not suitable for construction traffic. Aylesham now subject to more traffic.

Nonington Parish Council – Supports array but route via Womenswold is wrong. Should be via Adisham Road and Cooting Road rather than the unnamed road which is narrow in places.

5 representations objecting to scheme for following reasons:

- Access unsuitable for construction traffic. Should be routed via Adisham Road
- Government is phasing out subsidies for this type of development
- Adverse impact on A2 slipway junction – proposal should make contributions towards that junction
- Should be contribution towards enhancement of colliery buildings
- No mention of archaeological/ ecological exploration of site
- Public should be able to enjoy atmosphere of site
- Will be blot on landscape
- Should be developed for business units
- Boundary of site should be moved SW so as not to inhibit future use of buildings
- Access route may also inhibit future use
- Potential for any works on tips to become unstable
- Provision for future electricity should be made towards future development of site
- Existing buildings need to be protected during construction
- Recording of archaeological importance needs to be undertaken

f) 1. **The Site and the Proposal**

1.1 The application site is approximately 50 hectares (124 acres) in size and comprises part of the former colliery site located immediately south of the settlement of Snowdown. The colliery closed in 1987 with mine shafts capped and winding gear removed. However, most of the former colliery buildings remain, albeit in a dilapidated state, and two of these are Grade II listed. Following closure, the site was used for management of spoil in connection with the Channel Tunnel construction. As a result large mounds of excavated material lie around the margins and centre of the site with the latter forming a domed appearance. Since that time, it has naturally revegetated with large areas of self-seeded birch woodland. However, rare lichen species are also to be found on parts of the site. Access is via a wide double entrance fronting on to the road between Snowdown and Nonington.

The proposal is to develop the central part of the site for a solar farm with arrays orientated towards the south and sited no more than 2.5 m above ground level. There will be three Invertor/transformer buildings with a small substation at the northern end of the site. It will be enclosed with deer proof fencing and access will be via the existing vehicular access and one of the former colliery internal tracks.

- 1.3 At the end of 30 years, the project will be decommissioned, the infrastructure removed and land returned to an alternative use. The applicant acknowledges that at that stage detailed surveys are likely to be required to assess wildlife which has become established at that time.
- 1.4 The application was supported by a full range of supporting documents including the following; A planning statement; a landscape and visual impact assessment (LVIA); a phase 1 habitats survey; an historic environment and heritage asset impact assessment; a flood risk assessment and a transport assessment. Officers have fully considered all the contents of the supporting studies where appropriate. For practical reasons, this report does not summarise all the topic areas covered, but concentrates on key issues relevant to the merits or otherwise of the application. For the avoidance of doubt where issues are not specifically referred to below, officers have accepted conclusions within studies. Copies of the studies are available for inspection by members if required.

2. Main Issues

2.1 The main issues in the consideration of this application are:

- The principle of the solar farm use
- The landscape and visual Impact
- Impact upon heritage assets
- Ecological interests
- Transport Issues
- Groundwater implications
- Other Matters

3 Assessment

Principle of the solar farm use

- 3.1 It is clear that the Government attaches great importance to the provision of renewable energy and as referred to earlier, the NPPF makes it clear that local planning authorities should not question the need for such provision. Good progress is being made towards meeting UK targets but the Government continues to stress the importance of solar provision in various Ministerial statements. It is emphasised that local planning authorities have a key enabling role in this respect. Additionally the Evidence base for the Core Strategy pointed to the relatively high levels of irradiation in the south east and the potential that Dover has to play in delivering such a form of renewable energy.

- 3.2 Balancing the above however, the Government recognises the potential concerns about inappropriate siting and in the Executive Summary to the UK solar PV Strategy issued in April 2014, referred to the public response to large scale solar farms which have sometimes been sited insensitively and has begun to erode the otherwise record levels of public acceptability which the solar sector as a whole enjoys. Since then, there have been Ministerial announcements to focus the future growth of solar on domestic and commercial roof space and on previously developed land. Guidance on environmental considerations has also been re-emphasised with the publication of the NPG, with the following factors being particularly important:
- the need for renewable energy does not automatically override environmental protections;
 - great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of planning proposals on views important to their setting;
 - proposals in National Parks and AONBs and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration
 - Where a proposal involves greenfield land, whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land.
 - Protecting local amenity is an important consideration which should be given proper weight in planning decisions.
- 3.3 In the context of the above, the site would utilise a despoiled and brownfield area of land which has remained unused since the closure of the colliery, apart from its storage use in connection with the channel tunnel building. Although there have been attempts to secure a comprehensive development of the whole former colliery site in the past, that has not come to fruition owing to the high costs of developing a contaminated site, high levels of offsite infrastructure and the complicated land ownership and lease arrangements which affect any development. In the context of the latter, both land owner and leaseholder are in support of the proposal and the project is therefore deliverable. Furthermore, the proposed solar farm will occupy the central part of the site only, leaving other land available to come forward for development should the opportunity arise, particularly the former colliery buildings to the north which are probably best suited and least constrained compared to other parts of the site. The temporary nature of the proposed use would also coincide with the current lease arrangement terminating after 30 years, thus not precluding an eventual longer term and comprehensive development of the site in its entirety at some future date.
- 3.4 In practical terms, the site has a convenient and available connection to the local power network in the form of an overhead line located just 500m to the north of the site. The applicant has also secured a grid connection in a regional area where overall grid capacity is very limited. Furthermore it is not in a designated landscape and is remote from residential properties.

- 3.5 Summing up the above, whilst there is no Government policy for a minimum or target number of schemes to be produced in a District or County, in the light of national renewable energy targets and given constraints elsewhere, it is considered that the use of this brownfield site is acceptable in principle, subject to it being acceptable in terms of other site specific issues which are considered further below.

Landscape and Visual Impact

- 3.6 In order to demonstrate impact, a Landscape and Visual Impact Analysis (LVIA) was submitted in support of the application. The analysis notes that the site is completely screened by on-site naturalised vegetation removing all views of the potential solar farm from neighbouring property, roads and public rights of way. Detailed visual assessments were carried out from various vantage points surrounding the site on all sides which confirm the analysis. The LVIA concludes that the effects on both visual amenity and landscape character of the wider area will be no change/insignificant. Consequently the overall conclusion is that the scheme is entirely acceptable in landscape and visual terms.
- 3.7 Officers agree with the conclusions of the LVIA and consider that the site is ideally suited for a solar farm given its well screened nature from surrounding countryside. The only perceptible changes on the immediate area will be from within the former colliery site itself, but there is no public access to that land, including public footpaths which are all outside of the site boundaries.
- 3.8 In terms of built structures, although utilitarian in appearance, the location of the proposed inverter and substations will also be well screened being located within the solar farm complex and therefore similarly screened from public views.
- 3.9 Ordinarily it is difficult to totally screen a solar farm within the countryside, but given the unusual nature of the colliery site and the manner in which vegetation has largely screened it from any external views, the proposed site is considered to be an ideal location for such a use. It would also be consistent with the provisions of Policies DM15 and DM16 in that mitigation measures, in terms of site selection and siting within the colliery site itself, have been used to limit any visual harm arising.

Impact upon Heritage Assets

- 3.10 A detailed heritage assessment was submitted in order to assess likely impacts upon buried archaeological remains and upstanding heritage assets. In terms of the former, the colliery was in use from 1907 to 1987 and it is likely that the spoil heaps could contain artefacts including personal possessions. Since much of the site lies beneath the spoil heaps it is likely that there is a good level of preservation of any underlying archaeology. This would be limited from the post medieval period to the C19 owing to the site's agricultural use. Prior to that there is no information of any studies on the site relating to the prehistoric, Anglo-Saxon or Romano-British periods but presence of remains cannot be ruled out beneath the spoil

heaps themselves. However, following concerns raised by the Environment Agency in terms of movement of spoil heaps, the applicant has reconsidered detailed setting out arrangements for the solar farm and is not now proposing any significant alterations to current levels. Groundworks will therefore be limited to shallow foundations for the inverter and substations, access routes, stanchions for the PV modules, cable runs and fencing. It is not likely therefore that there will be any significant impacts upon any buried remains which might exist and a safeguarding condition to monitor works during construction is considered adequate.

- 3.11 The former colliery buildings are considered to be the best surviving examples of the Kent Collieries and although in poor states of repair, include 2 Grade II Listed buildings in the form of the Fan house and Winer House. None of the buildings will be directly affected by the solar farm, the northern boundary of which will be located approximately 200 metres to the south of them. Access between the buildings to the site itself will also be via an existing former internal access road. Because of the intervening vegetation and distances involved, potential for intervisibility will be limited with glimpses of roof tops of buildings only from the solar farm site. In the other direction, from the buildings themselves, the solar farm will be scarcely visible and the panels will face south away from the buildings, meaning that there would be no potential for any glare effect to be directed towards them. Given the above, it is not considered that there would be any adverse impact upon the setting of either the designated or non-designated heritage assets.

Ecological Interests

- 3.12 The site is not covered by any statutory or non-statutory biodiversity designations and there are no statutory designated sites within 1km of the application site. A fully detailed phase 1 Habitat survey was conducted which included a range of ecological surveys to inform the design of the site. Of note is the presence of a form of lichen and fungi on the site which were assessed as being of regional importance. Accordingly, the precise boundaries of the site within the former colliery complex were selected to avoid these areas. Although the majority of birch scrub woodland within the actual site boundary will be removed, the substantial screening outside the site but within the colliery complex will remain. Removal of the scrub will also aid lichen growth. In respect of invertebrates, the site boundary selection avoids areas around the margins where reptiles were previously found. A breeding bird report also concluded that impacts would be negligible or low although measures will be taken if site clearance or construction takes place within the nesting bird season. No badger setts were identified but fencing will contain gaps to allow for foraging. An updated Invertebrate survey in July 2015 indicated that there was little evidence of species within the site area, with the majority of activity being at the margins and beyond the site boundaries.
- 3.13 Whilst no overall harm is identified the study recommended that an ecological enhancement plan be prepared in order to provide enhancements of a range of species. This would include creation of reptile refuges, installation of bat boxes, management of the woodland

areas and creation of a standing waterbody to provide increased habitat diversity.

Highway Issues

- 3.14 The construction period is likely to be in the region of 8 weeks with an average delivery rate of 5 inbound and 5 outbound trips per day, although this will be greater in the initial stages up to a maximum of 9 trips per day in week 1. The proposal is to utilise the existing access to the site where there is good visibility in excess of 90 metres in either direction once some overgrown scrub has been cleared. As referred to above, the internal access road will utilise an existing track formerly used by the colliery and is considered suitable for construction vehicles and the low numbers of vehicles likely to use the site post completion.
- 3.15 The main issue of concern has been the proposed routing arrangements which were previously proposed to access the site via the B2046 and then along the narrow and often single tracked road running to the south of Aylesham. However, following discussions, the route has now been amended to follow the existing signposted route for heavy vehicles gaining access to the Aylesham Industrial Estate i.e. along the B2046 and then via Cooting Road and Spinney Lane. From there vehicles will follow Aylesham Road and Holt Street. KCC Highways considers that the revised arrangement will be satisfactory, but would wish to see details of parking and unloading. The site is clearly large enough to accommodate such requirements and a suitable condition could be imposed to that effect, together with a condition relating to the Construction Traffic Plan to ensure the agreed routing arrangements are adhered to

Groundwater Implications

- 3.16 A detailed contamination study concluded that there was no significant risks proposed through ground gases or radon as no occupied buildings were proposed. A moderate/high risk to construction workers was identified given unknown ground conditions and it is recommended that details for a strategy to mitigate this be included as part of a Construction Management Plan condition.
- 3.17 However, the Environment Agency currently has an outstanding objection on the basis that the contamination study did not consider the implications of earthwork movements and therefore potential impacts upon the underlying aquifer. It was anticipated that this could be overcome through further consideration of drainage arrangements, an earthworks strategy and pollution control mechanisms. In response the applicants' technical advisors have re appraised the proposed scheme in conjunction with the contractor and have concluded that it is not necessary to undertake any substantial earthworks and that they can work with existing levels. Previously it was proposed to remove some of the 'dome' area in the centre of the site. Intrusive groundworks will therefore be confined to piling for the panel table supports, cable trenching and sub-station foundations which will be piled. Additionally, the Flood Risk Assessment (FRA) concludes that there is no requirement for a positive drainage system

and that natural run off will be sufficient. Accordingly they consider that physical site investigation is no longer warranted. The Environment Agency has been reconsulted but has requested further clarification with regard to drainage run off and potential for localised infiltration. The applicant is currently addressing this and further views from the EA are awaited at the time of report preparation. Members will be further updated at the meeting.

Other Matters

- 3.18 The Flood Risk Assessment points out that the entire site lies within Flood Zone 1 and is therefore a low risk to flooding. A drainage strategy is not considered necessary as the site is likely to behave hydraulically in a similar way to the existing site conditions and drain into the natural storage capacity of the ground. Localised regrading will prevent any ponding on the site.
- 3.19 The site is well separated from any residential properties and given its enclosed nature it is not anticipated to have any adverse localised impacts apart perhaps from some short term traffic disruption during construction activities.
- 3.20 Finally, in connection with the comments raised by Geoconservation Kent, given that there is now no proposed reprofiling or major earthworks proposed, the question of providing a geological store on the site as requested, does not now arise.

Balancing of Issues and Conclusion

- 3.21 The proposal would provide 5MW of electricity from a renewable resource which would be a modest but nonetheless valuable contribution to meeting national targets for renewable energy and make a contribution towards the challenges of climate change. The site involves an ideal use for a brownfield site where there is no likelihood of any other development coming forward in the foreseeable future. The site is well screened so that it will be scarcely visible from any public views if at all. The solar farm would be well separated from existing heritage assets and there will be no harm to their setting. No highway objections have been raised and the Construction Management Plan will ensure that the proposal is carried out in a responsible and safe manner. All other detailed matters can be satisfactorily addressed through conditions
- 3.22 In summary and assuming the Environment Agency will be satisfied in respect of any groundwater issues, the proposal probably represents one of the better locations for a solar farm that have come forward over the past few years, in that it will be able to offer all the advantages of renewable energy, without any significant environmental impacts. Accordingly permission is recommended subject to the conditions set out below and to the Environment Agency raising no objections in response to revised submissions.

g) **Recommendation**

- I Subject to the Environment Agency raising no objections to the revised proposals in respect of groundwater issues, PERMISSION BE GRANTED subject to the following conditions: 1) standard time limit; 2) approved plans; 3) development carried out in accordance with Construction Traffic Management Plan (as amended); 4) details of Construction Management Plan to be submitted to include measures for parking, loading/unloading and health & safety strategy to protect construction workers. 5) details of Ecological Enhancement Plan, including updated botanical survey, to be submitted: 6) archaeological watching brief; 7) works to stop in event of contamination being found; 8) construction compound to be removed post completion; 9) arrays to be removed after 30 years; 10) implementation of decommissioning plan; 11) no external lighting; 12) Improvement of visibility splays.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Kim Bennett