Recommendation Report for Planning Permission

REF NO: **BE/63/14/PL**

LOCATION: Manor Farm
Shripney Lane
Shripney

PROPOSAL: Installation of Solar Farm comprising erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks & ancillary equipment. Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed development involves the installation and operation of a solar park with associated infrastructure and equipment on Manor Farm, off Shripney Lane, Bersted. The solar farm will have an installed capacity of approximately 21 MW. The solar farm comprises the erection of solar arrays, transformers, and equipment housing, security fencing and ancillary equipment. The application also proposes new boundary landscaping and ecological enhancement measures.
SITE AREA	Approximately 50 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	n/a
TOPOGRAPHY	Gently undulating field.
TREES	No trees are affected by the proposals.
BOUNDARY TREATMENT	The site is surrounded by mature hedgerows on the south, north and eastern edges of the site. The majority of the western boundary is marked by a rife.
SITE CHARACTERISTICS	The site comprises an arable field with a reservoir on the western end. There is a small breeze block building and antenna centrally located within the site. An access track runs across the site from east to west. The site is currently used for agricultural purposes, primarily for tillage.
CHARACTER OF LOCALITY	The site is located in a rural area and accessed via a farm access track. There is very little evidence of build development in the

area apart from a number of small farm buildings. There are no public rights of way crossing the site. The site is open to views from the west.

RELEVANT SITE HISTORY

BE/91/05/AG	Prior notification for construction of lined reservoir.	No Objection 30-09-2005
BE/69/06/AG	Prior Notification for construction of lined reservoir.	No Objection 04-07-2006
BE/10/07/AG	Prior Notification for agricultural hardstanding	No Objection 13-02-2007
BE/92/07/	Use of existing building for B1 purposes from storage and distribution of leaflets	Withdrawn 13-09-2007
BE/7/09/CLE	Application for a Lawful Development Certificate for an existing use or operation - part use of former agricultural barn as a mess/recreational room for use by horticultural seasonal workers.	Refused 17-03-2009
BE/90/12/CLP	Application for a Certificate of Lawfulness for a proposed use to grow fruit trees	PP Not Required 03-10-2012

No comments on the planning history of the site.

REPRESENTATIONS

Representations received:

Bersted Parish Council

- No Objection

Comments from the Parish Council.

1. The panels are set back from Shripney Lane as we have been made aware that the equipment on solar farms may have a detrimental effect on people with pacemakers.
2. That a survey by the company should be made on the condition of the road, the flint walls and old houses in the lane before heavy goods lorries start to move equipment into the field.
3. It is hoped that some flood alleviation assistance for the part of the lane from the S bend at the manor house westwards as this floods quite deeply and could be pumped away to the adjacent Rife

2 Letters of Objection:

- proposal makes no provision for conflict between HGV and residential and farm traffic.
- passing vehicles is only possible if people pull onto verges, banks or driveways to allow for

the safe passage of vehicles. There are hidden drainage ditches running the length of the lane which presents a risk.
- drivers will have to reverse to safe area with greater width to allow safe passage which will either be the entrance to Shripney Lane at the junction of theA29 or on the corner near Manor Farm. Neither are safe as the involve reversing into cornering traffic.
- proposal only gives average daily deliveries rather than peak volumes.
- passing traffic will lead to damage to verges.

Comments on Representations received:

The various letters and representations have been noted and have informed the officer's consideration of the application.

The vast majority of the issues raised are material planning considerations and are covered in detail in the "Conclusions" section of this report.

CONSULTATIONS

Scotia Gas Networks
WSCC Strategic Planning
Environment Agency
Natural England
Parks and Landscapes
Engineers (Fluvial Flooding)
Engineering Services Manager
Environmental Health
WSCC Strategic Planning

Consultations responses received:

NATURAL ENGLAND - no objection

Statutory nature conservation sites- no objection.
Protected landscapes - no comment.
Protected species - refer to standing advice
Soils and Land Quality - Based on the information available to us we consider this application is likely to impact on a significant amount of 'best and most versatile' agricultural land (paragraph 112 of the National Planning Policy Framework refers). However, the proposals would not appear to lead to the long term loss of best and most versatile land as the panel arrays would be fixed with limited soil disturbance being secured through pins in to the ground every few metres, and could be removed when planning permission expired with no likely loss of agricultural land quality.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS-

- Further information regarding the management of HGV movements along Shripney Lane and proposed measures of mitigation.
- Access to the site is obtained from the A29 via a journey of approximately 400m along Shripney Lane. The lane has recently been stopped up through the development of the Relief Road and does not serve a through route.
- The Applicant has demonstrated that the junction of Shripney Lane and the A29 provides adequate access for low loader articulated vehicles, which will be the largest vehicle to access the site.
- Similarly, vehicle access from Shipney lane is adequate and suitable visibility can be achieved for vehicles exiting the site.

- Shripney Lane varies in width from 4.6m to 6m+. A width of 4.8m is required for a large vehicle and a car to pass one another at a slow speed whereas a width of 5.5m is required for two large vehicles to pass one another. The Applicant has identified a means of managing any potential conflict as a result of two large vehicles accessing the site, requiring the approaching vehicle to enter a lay-by on either the A259 or A29, depending on the approach route, and contacting the site to gain permission to proceed.
- the LHA recommends that a condition requiring the construction management to be agreed prior to commencement of development be secured.

ENVIRONMENT AGENCY- No objection

The development type is considered "Less Vulnerable". The site is partly within Flood Zone 3. However, in this area these are tidal flood zone and as sch there are no issues with potential loss in flood storage. The proposed panels will be raised 600mm above ground level and inverters raised above modelled level for an undefended 1 in 200 event with climate change.

ARUN DISTRICT COUNCIL ENGINEERING DEPARTMENT

- Infrastructure is proposed to be installed above future flood levels. A suitable maintenance strip should be set aside adjacent to all ditches on the site. Provisions for draining run off from the PV panel should be introduced to reduce erosion of the grass beneath the lower edge of the panels.

Surface runoff from the proposed development would not surpass greenfield runoff rate. Any excess should be attenuated on site.

ARUN DISTRICT COUNCIL ENVIRONMENTAL HEALTH DEPARTMENT

- No comment

Arun District Council Leisure and Landscape Officer - No objection

- Existing mature hedgerow along the north western boundaries and the mature hedgerow cover close to the southern boundary are established mature and continuous where possibly no further screen addition will be required. These areas must be protected and retained and would only require further planting if infill is found to be required.
- New planting as proposed would be required to infill sections along the eastern and western boundaries where there are gaps and missing sections. This is particularly required to the north east of the site looking towards Shripney.
- A substantial 10m mixed native tree and shrub belt has been proposed for this area, but the Landscape and Visual Assessment document only shows this as indicative along with indicative detail to the south west boundary. Details of new areas of hedgerow planting would be required to be plotted in plan form showing the location of these with quantities proposed and size at time of planting (not just indicative). Planting as proposed for here will need to be sufficient in height with a mix of tree and shrub species that are sufficiently fast growing to provide a year round screen.
- The screening would need to provide a good mix of native species which if planted at the proposed size and density should establish quickly to form a balanced and appropriate planting scheme. This will be particularly evident as it matures and the effects on the landscape of the development will diminish over time.

- The nature of the predominant site will change from arable land to agricultural grassland with solar panels, this will in turn over time create a different habitat with differing biodiversity habitats forming. The proposals could provide the opportunity to enhance existing hedgerows and to secure on-going management of all structural vegetation within the site.

West Sussex County Council Landscapes - no objection

- The site is reasonably well screened from views from the wider landscape by the existing onsite vegetation and other intervening vegetation and the low lying flat character of the landscape. However there are number of localised views of the site from a number of PRoWs, roads and private residences surrounding the site as is identified in the LVIA submitted as part of the application.
- Combination of the proposed and existing vegetation will aid in integrating the proposed solar panels into the landscape and in largely screening potential views. However more information is required as to the exact location of proposed planting along the western site boundary.
- Proposed conditions required for the following issues:
More information is required as to the exact location of proposed planting along the western site boundary.
· The proposed location of the CCTV cameras should be confirmed. It is important that these are sympathetically integrated into the landscape, for example using existing/proposed trees as screening.
· I would advise that the natural fertility of the soil within the development area is safeguarded and enhanced for its future restoration back to agricultural land, particularly given that the land is classified as Grade 1 and 2 agricultural land.
· Full details and method statements for the planting and establishment of the proposed planting backed up with a management/maintenance plan should be conditioned including grazing/grassland management regimes.

Comments on Consultation responses:

Natural England have referred the Council to its standing advice in relation to Protected Species. Having referred to the standing advice it is considered that the proposal is not likely to have a detrimental effect on protected species.

The further information requested by West Sussex County Council highways can be dealt with through a suitable condition requiring this to be submitted prior to the commencement of any works on site.

A detailed landscaping plan will be required through condition to meet the requirements of the County Landscapes Officer.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN21	Renewable Energy
	GEN29	Nature and Conservation Across the District
	GEN3	Protection of the Countryside

GEN9 Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the
weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal would conflict with relevant Development Plan policies in that it would be sited on land located outside of the defined built-up area boundary. However there are material considerations that that outweigh this conflict such as the need to promote economic growth and to retain employment in the District; therefore a presumption in favour of development applies.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

THE PROPOSAL

The proposed development comprises the installation of a number of rows of solar arrays, which are supported at intervals by posts driven vertically into the ground.

The solar panels are proposed to be laid out to maximise the production of electricity with the panels being angled and oriented in a landscape view to optimise their exposure to direct sunlight. The proposed arrays are to be kept will away from the boundaries of the site to ensure that surrounding vegetation does not cast shadow over panels.

The proposed panels will measure approximately 2.4 metres in height, with the lower edge (that closest to the ground) being approximately 0.8 metres above ground level. The panels are fixed and will not track the sun by motors. The solar panels are designed with an expected lifetime of 30 years, and can be removed and the soil restored to its original condition after they have become obsolete. Additional PV equipment will include approximately 12 housing units for inverters/transformers and two small grid connection units located near the centre of the site.

The application also proposes two primary substation measuring approximately 10m x 10m which will be located in the centre of the site. The solar farm is proposed to be connected to the grid via an underground cable, and will join an existing substation off Shripney Lane which is in close proximity to the site.

A proposed deer fence will be located around the perimeter of the panels to protect them from damage. This is proposed to be 2.4metre tall deer fencing. The fencing will be set approximately 8 metres from any existing boundary hedgerows.

PRINCIPLE OF DEVELOPMENT

The proposed development will generate 21 MW of electricity from solar energy which is a renewable source. Producing electricity with PV emits no pollution, produces no greenhouse gases and uses no finite fossil-fuel resources. The increased production of energy from solar PV offers very real benefits in savings in CO2 emissions and reducing the impact of greenhouse gases on climate change. The development will also ensure a constant and affordable source of

energy, contribute to economic stability and provide a further form of diversification to support the rural economy of West Sussex.

Part 10 of the NPPF states that local authorities should "have a positive strategy to promote energy for renewable and low carbon sources" and "design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts."

In paragraph 98, Local Planning Authorities are advised to approve an application (unless material considerations indicate otherwise) if its impacts are or can be made acceptable. In relation to conserving and enhancing the natural environment, Councils should ensure that valued landscapes are protected and enhanced (paragraph 109) which is not the case on the application site.

A number of Local Plan Policies are relevant to the principle of the proposal. Policy GEN21 of the Arun District Local Plan states that planning permission will be granted for renewable energy developments subject to a number of criteria, including no significant adverse impacts on natural and built environments, residential amenity, public safety and ensuring that they make a contribution to meeting a need.

The site is located in a rural area, remote from any significant existing development therefore, there will be no impacts on the built environment. The applicants have submitted a Biodiversity Survey and Report that shows that the scheme has no harmful effects on biodiversity or on the amenities of the occupiers of nearby residential properties. The County Council's ecologist in his consultation response has raised no objection on these grounds.

The NPPF and the Planning Practice Guidance were published more recently than the adopted Local Plan and therefore the policies contained within these are afforded greater weight than the Local Plan Policies. The NPPF is clear that applicants no longer have to demonstrate the need for renewable energy developments whilst the Practice Guidance emphasises that there is an intrinsic need for renewable energy.

Saved policy GEN3 seek to focus development within the built-up areas, and safeguard the land outside the built up areas (referred to as the countryside for policy purposes). Recent appeals have considered that weight can be afforded to this policy as they are compliant with the core planning principles set out in Paragraph 17 of the NPPF. However, Policy GEN3 of the Local Plan does not specifically preclude development in the countryside and allows it should they meet one of five criteria. These are:

- it is necessary for agriculture, forestry, minerals extraction or waste deposit;
- for quiet, informal recreational use;
- diversification of the rural economy;
- relates to an essential road scheme;
- it accords with the Area Policies and those that relate to Specific Types or Forms of Development in Sections 2 and 3 of the Local Plan.

It is considered that the proposed development complies with policy GEN3 by making a direct contribution to diversification of the rural economy. It is therefore considered that the principle of development in this rural location is acceptable, subject to other detailed planning considerations.

LANDSCAPE CONSIDERATIONS

The proposed development would introduce new buildings, tall fencing, and solar panels into an area of countryside which is currently undeveloped. As a result, it would inevitably have a significant impact particularly on local views.

The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) which has been assessed by the Council's Trees and Landscape Manager and the County Council's Landscape Consultant.

The proposed solar park will not be a prominent feature within the landscape due to its low height set within a low coastal plain landscape. The few partial/glimpsed views from surrounding roads, PRoWs and properties can be screened by enhancing existing features and establishing new hedgerow and tree planting along the perimeter boundary. There will be no significant views of the solar park from the South Downs National Park. Although the high ground will afford views towards the solar park, the distance, angle of view and intervening horticultural tunnels and field boundaries will make it difficult to discern. The array will also face away from the National Park, thus the effect on the visual amenity of the National Park is considered to be negligible.

The most significant view will be from PRoW no 149 which skirts around the west side of Shripney Hamlet, in front of Myddleton Terrace. The proposed planting on the intervening perimeter will provide screening to both the solar park and the existing horticultural tunnels which lie beyond the site.

In conclusion, the main landscape effects include the temporary, reversible loss of the site's rural character during operation. Although evident, this will have a low impact on the surrounding views due to the already light industrial character created by horticultural estates and overhead utility lines. The applicants have proposed suitable mitigation to reduce the availability of views through landscape planting and screening. It is therefore considered that the proposal will have an acceptable impact on the landscape though details of the proposed landscaping are required through conditions.

LOSS OF AGRICULTURAL LAND

The Local Plan was adopted in 2003 and covers the period to 2011. Whilst the majority of policies have been saved, Policy Area 12, which relates directly to the protection of agricultural land, expired in September 2007. It is intended to be replaced with Policy DM10 (Soils) in the Draft Local Plan 2013. This policy require that all applications on Best and Most Versatile land which involve 'permanent loss' of 1 hectare or more to be accompanied by a report on agricultural land. It is considered that as the solar farm is not a permanent fixture and can be reversed and the soil returned to its original state, that Policy DM10 does not apply to schemes that propose temporary development on grade 1, 2 and 3a land. Policy DM10 has yet to be subject to Examination and therefore carries little weight in the determination of this planning application. Instead, the case should be considered against the requirements of paragraph 112 of the Framework.

Paragraph 112 of the Framework aims to safeguard the Best and Most Versatile (BMV) agricultural land (grades 1 to 3a) from inappropriate development, i.e. development unrelated to agricultural or forestry, unless there is a strong case in support of development that overrides protection.

The applicants have set out that the 35ha application site makes up a very small portion of the overall best and most versatile farmland in the West Sussex Coastal Plain area. Arun is considered to have a relatively high proportion of best and most versatile land and they contend that the loss would not represent a significant loss in the context of the District as a whole.

The applicant's planning statement notes that permission for the solar park is sought on a temporary basis for a period of 30 years, after which time the solar arrays, associated equipment and fencing will be removed and the land returned to solely agricultural use. They consider a planning condition to require the site's restoration after this period is acceptable.

It is concluded that while the proposal would involve the agricultural land from tillage use over its lifetime, that the field could be returned to its original state after the lifetime of the development. The field can be grazed by small animals during the duration of this period. The District has a large supply of productive land, and the proposal is for a farm diversification scheme which would support the viability of the farm.

In these circumstances it is considered that the proposed solar farm would be acceptable.

BIODIVERSITY CONSIDERATIONS

A Phase 1 Habitat Survey has been undertaken in support of this application. The site has been managed under intensive agricultural use, with the result that other than the hedgerows, ditches, and woodland the majority of the site is of low ecological value.

The proposed development includes the following ecological enhancements:

- The wildlife protection zone is to be seeded with a wildflower mixture to provide enhancement for a range of species.
- The gappy hedgerows along the boundaries should be planted up using species of a similar composition to Bersted Brooks LNR which will have a positive impact on a range of associated wildlife.
- Installation of two bat and bird boxed.
- Decrease of input of artificial fertilisers and pesticides will reduce pollution of drainage ditches which can increase species diversity.
- A landscape management plan to be prepared and implemented to cover the management of the retained and enhanced habitats.

The ecological report concludes that, subject to implementation of the avoidance, mitigation, compensation and enhancement measures outlined above, the proposed development is capable of being accommodated without significant negative impacts on ecologically sensitive receptors within the survey area.

The County Council's Ecologist has assessed the application and raised no objection subject to the inclusion of a condition to secure the proposed ecological enhancements.

ARCHAEOLOGY

The application is supported by an assessment of the potential archaeological impacts of the proposed development. Initial archaeological fieldwork has identified the presence of an extensive

prehistoric and Romano-British landscape. Archaeological monitoring of groundworks as they are carried out is recommended to be undertaken as a condition of the planning consent.

The County Council's archaeologist has considered the application and determined that a suitable condition can be applied to provide for archaeological monitoring and recording.

FLOODING

The majority of the proposed PV site is situated within Flood Zone 1 with a small area lying within Flood Zones 2 and 3. The site is at risk tidal flooding.

No significant changes will be made to the site's permeability characteristics and the existing surface water regime will be retained.

The NPPF does not explicitly categorise solar parks under a particular vulnerability classification. The applicants argue in their planning statement that such developments should be considered as 'essential infrastructure', given their similarity to other uses placed under that designation, specifically, utility infrastructure including power stations, substations and wind turbines. This is considered to be a reasonable approach by the Council and provides a suitable basis for assessing the suitability of the development.

According to the Technical Guidance, Table 3, proposed development classed as 'essential infrastructure' is compatible within Flood Zones 3a and 3b subject to the requirements of the Sequential Test and the Exception Test being met.

Paragraph 101 of the Framework and Paragraph 5 of the Technical Guidance, respectively, clarify the aim of the Sequential Test and the approach to undertaking it, as follows:
- Development should not be allocated or permitted if there are reasonable available sites appropriate for the proposed development in areas with a lower probability of flooding"
- Only where there are no reasonable available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required."

The supporting Flood Risk Assessment demonstrates that the development will meet the requirements with respect to flood risk as outline in the NPPF and associated guidance. No objection has been received from the Environment Agency (who suggest a number of conditions), nor from the Council's fluvial engineers.

TRAFFIC AND ACCESS

Access to the site is obtained from the A29 via a journey of approximately 400m along Shripney Lane. The lane has recently been stopped up through the development of the Relief Road and does not serve a through route.

The Applicant has demonstrated that the junction of Shripney Lane and the A29 provides adequate access for low loader articulated vehicles, which will be the largest vehicle to access the site. Similarly, vehicle access from Shipney lane is adequate and suitable visibility can be achieved for vehicles exiting the site.

Shripney Lane varies in width from 4.6m to 6m+. A width of 4.8m is required for a large vehicle and a car to pass one another at a slow speed whereas a width of 5.5m is required for two large vehicles to pass one another. The Applicant has identified a means of managing any potential conflict as a result of two large vehicles accessing the site, requiring the approaching vehicle to enter a lay-by on either the A259 or A29, depending on the approach route, and contacting the site to gain permission to proceed. However, it is unclear how many HGVs currently use Shripney Lane for agricultural purposes and how any potential conflict can be managed that may involve a large vehicle outside of the Applicants control.

It is therefore considered that the existing access provision is satisfactory subject to a suitable construction management plan condition and that the proposed development will not cause traffic or environmental issues that require any transport improvements which will harm the character of the locality. During its operation, the proposed development will therefore not result in any discernible increase in traffic on surrounding roads. The proposal is therefore in conformity with policy.

CONCLUSION AND RECOMMENDATION

The application proposes the development of a solar park, with associated infrastructure and equipment, on agricultural land at Manor Farm. It is considered that the principle of development is acceptable in light of Local Planning Policy and especially given the support for renewable energies in the National Planning Policy Framework.

The supporting LVIA identifies that, with the proposed mitigation, there will be no significant visual impact as a result of the scheme. It is considered that the proposed landscaping will mature to ensure sufficient screening in the medium to long term.

With the mitigation measures proposed in the Ecological Assessment, the development is capable of being accommodated without adverse effect on ecology and the enhancement measures proposed could result in benefits to the local area.

The accompanying Surface Water Drainage Strategy demonstrate that the proposed solar park will not increase flood risk, either on site or in the surroundings. It is also considered that the scheme will have no significant impact on archaeological features.

There are no Development Plan policies which restrict the use of this site for a solar park development and there are no sensitive or other designations of relevance on the site. Furthermore Government policies are supportive of renewable energy developments.

It is considered that the information provided with the application demonstrates that the proposed solar park development is in accordance with local and national planning policy. It is therefore recommended that full planning permission should be granted for the proposed development.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 1 of the First Protocol (protection of property). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal a neutral impact has been identified upon those people with the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

As a neutral impact has been identified no mitigation is proposed.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Block Plan 2563- 2
- Deer Fence Detail 2562_400
- Landscape Masterplan 2563-3
- Proposed UKPN Freestanding Brick Built 33kV switch Room E13.45-05 A
- Typical Fence Details 2605-5
- Typical Panel Elevations 2605-4
- Typical E+1 House Arrangement (69) 901 P1
- Site Boundary Details 2563_502
- Site Location Plan 2605-1

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 the Arun District Local Plan.

3 No development shall commence until details of the associated inverter stations, transformers, substation, CCTV (including the pole mountings) and deer fence security fencing have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 the Arun District Local Plan.

4 The planning permission hereby granted is for a period from the date of this decision until the date occurring 30 years after the date of commencement of the development hereby permitted. Written notification of the date of commencement shall be given to the Local Planning Authority no later than 14 days after the event.

Reason: For the avoidance of doubt and in the interests of the long term amenity and the environment in accordance with Policy GEN7 the Arun District Local Plan.

5 No later than 12 months prior to the end of this permission, a site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of works to remove the solar panels, all related equipment, and any areas of hardstanding and shall be fully implemented within 12 months of the expiry of this permission.

Reason: To protect the long term visual amenities of the surrounding area and in order that the Local Planning Authority may be satisfied as to the appearance of the land after the removal of the development in accordance with policy GEN7 of the Arun District Local Plan.

6 If any of the individual solar panel(s) ceases to export electricity to the grid for a continuous period of 12 months then a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months from the end of the 12 month period for the removal of the solar panel(s) and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within 6 months of that written approval being given.

Reason: To protect the long term visual amenities of the surrounding area and in order that the Local Planning Authority may be satisfied as to the appearance of the land after the removal of the development in accordance with policy GEN7 of the Arun District Local Plan.

7 Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

- Monday-Friday: 08.00hrs-18.00hrs

- Saturday: 08.00hrs-13.00hrs

- Sundays and Bank Holidays: no work permitted.

Reason: To safeguard the amenities of nearby residents and to accord with policies GEN7 and GEN32 of the Arun District Local Plan.

8 The development shall be undertaken in accordance with the recommendations contained within sections 7.0 and 8.0 of the Ecological Appraisal dated May 2014.

Reason: To conserve the wildlife interest of an important natural habitat in accordance with policy GEN29 of the Arun District Local Plan.

9 No development shall take place until a landscaping scheme, including details of new hedgerows to be planted and the 'gapping-up' of existing hedgerows in and around the site, as well as a timetable for implementation/planting has been submitted to and

approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and timetable. Any trees/shrubs or plants which die, are removed or become diseased within 5 years of planting shall be replaced during the next planting season with trees/shrubs/plants of a similar size and species.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

10 An archaeological recording and monitoring exercise shall be carried out at the expense of the developer in accordance with a specification (WSI - written scheme of investigation) to be submitted to and agreed by the Local Planning Authority in writing before the commencement of building works.

Reason : To ensure appropriate investigation and recording of archaeological heritage assets on the site prior to commencement of new building works.

11 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

· the anticipated number, frequency and types of vehicles used during construction,
· the method of access and routing of vehicles during construction and measures taken to remove conflict with agricultural vehicles,
· the parking of vehicles by site operatives and visitors,
· the loading and unloading of plant, materials and waste,
· the storage of plant and materials used in construction of the development,
· the erection and maintenance of security hoarding,
· the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
· details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

12 INFORMATIVE: Any works or installations within 8m of Main Rivers, or 5m of IDB ditches, would require a Flood Defence Consent from the Environment Agency. It is unlikely that consent will be granted for any installations within these distances as access must be maintained for operational purposes.

13 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.