

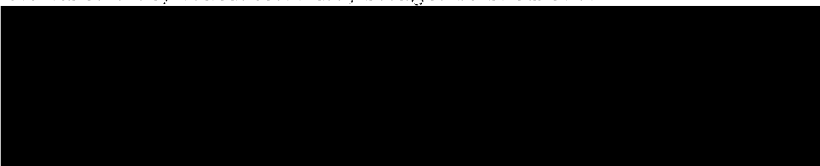


**Variation of Condition 4 of Planning Permission
BE/63/14/PL (as amended by Planning Permission
BE/163/15/PL) to extend the lifetime
of the solar farm from 30 years to 50 years
Manor Farm Solar Park, Shripney
BNRG Langmead**

Planning Statement

Ref: AH/210037/R0001v1
Date: April 2021

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- A Planning permissions
- B Approved site layout plan
- C Aerial image

1.0 Executive Summary

- 1.1 The solar farm at Manor Farm, Shripney was granted planning permission on 12th August 2014. The permission was amended subsequently to allow its delivery in two phases. The first phase commenced in December 2015 and is now operational. However, due to changes in the funding structure for solar energy, Phase 2 has not progressed.
- 1.2 The applicant has identified an opportunity to seek the necessary funding to expedite the completion of Phase 2. This funding is however reliant on the planning consent being in place for an extended period. Consequently, this application is submitted to extend the duration of the consent for the solar farm at Shripney from 30 years to 50 years, from the date of initial commencement.
- 1.3 This proposal will bring with it material benefits for the diversification of the farm business and renewable energy production.
- 1.4 These benefits can be achieved without material impacts on any interests of acknowledged importance.
- 1.5 As a proposal in compliance with the development plan and the strong support of national planning and energy policy, planning consent ought to be granted accordingly.

2.0 Introduction

- 2.1 This report is prepared by Mango Planning & Development Limited on behalf of BNRG Langmead, the operators of the Shripney Solar Farm, in support of an application under Section 73 of the Town & Country Planning Act 1990 (as amended) to vary Condition 4 of planning permission BE/63/14/PL (as amended by permission BE/163/15/PL) to extend the permitted lifespan of the solar farm to 50 years from the original date of commencement.
- 2.2 Copies of planning permissions BE/63/14/PL and BE163/15/PL are provided at **Appendix A.**
- 2.3 For the avoidance of doubt, the extension of the duration of the lifespan of the permission is not restricted by Sections 73(4) or 73(5) of the Town & Country Planning Act 1990.
- 2.4 Section 2 provides details of the application site, while Section 3 explains the background proposal. Section 4 reviews the relevant planning policy context. Section 5 provides our assessment of the proposal against the prevailing planning policy, while Section 6 provides our planning review. Section 7 provides our conclusions.

3.0 Application site

Location

- 3.1 The application site extends to 50 hectares of undulating farmland situated north and west of Shripney Lane, to the west of the village of Shripney.
- 3.2 The site is surrounded by mature hedgerows on the south, north and eastern edges. The majority of the western boundary is marked by a rife. The site comprises an arable field with a reservoir at the western end.
- 3.3 The extent of the site is show on the red line plan submitted with the application.

History

- 3.4 In June 2014 an application was submitted for the installation of a solar farm comprising the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks and ancillary equipment.
- 3.5 The Shripney Solar Farm was granted planning permission on 12th August 2014 under planning permission BE/63/14/PL, subject to conditions.
- 3.6 The application was considered under the policies of the previous development plan. However, the current plan was at an advanced stage and significant weight was therefore afforded to it in the determination of the application.
- 3.7 In terms of the principle of the proposal, the officer report noted:

“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.”

- 3.8 It also highlighted that the proposal was not within a valued landscape, remote from any significant existing development and there will be no impacts on the built environment.
- 3.9 It recognised the support for the proposal through the NPPF and development plan policies supporting diversification of the rural economy. In landscape terms it was assessed as not being a prominent feature in the landscape, with associated landscaping providing screening from the most significant viewpoints.
- 3.10 In agricultural land terms, it was acknowledged that the use would not result in a permanent loss of agricultural land and would still allow grazing of the site during operation. Ecological improvements agreed as part of the proposal ensured that it could be accommodated without significant impacts.
- 3.11 Archaeological interests were addressed though a condition requiring monitoring during construction works, while flooding was not identified as a concern and highways matters could be managed by a construction management plan.
- 3.12 The report therefore concluded that:

“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.”

- 3.13 Condition 2 of the permission was subsequently varied by application BE/163/15/BL to reflect layout plan changes, and this was approved on 22nd January 2016, again subject to conditions. This permission included an informative that confirmed the remaining conditions on consent BE/63/14/PL continued to apply.
- 3.14 A series of subsequent non-material amendments provided for further minor changes to the scheme including the phasing of the site delivery and associated landscape requirements (Ref BE/30/17/NMA).
- 3.15 The approved and part-implemented layout of the site (as approved under BE/30/17/NMA) is provided at **Appendix B** to this Statement. This shows the extent of the two phases. The aerial image at **Appendix C** illustrates what has been implemented to-date.
- 3.16 Since it started operating, Phase 1 of the solar farm has made a significant contribution towards sustainable energy supply, providing about 5MW export to the grid, providing power for about 1,150 homes and reducing carbon outputs by 1,230 tonnes per annum.

Condition 4

- 3.17 Condition 4 of planning permission BE/63/14/PL states:

“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.”

- 3.18 In accordance with Condition 4, notice was issued by the developer to the Council of commencement of the development. This confirmed that the first phase of the consented solar farm was commenced on 15th December 2015 and the permission therefore expires on 14th December 2045.

4.0 Background to the proposal

The applicant

- 4.1 BNRG Renewables is a renewable energy company that specialises in the development of ground-based utility-scale solar parks, with extensive knowledge of the renewable energy sector and a track record of delivering high quality development.
- 4.2 BNRG's solar projects currently produce over 150,000 MWh of clean, affordable solar electricity, with in excess of 1.5 GW under development.
- 4.3 BNRG is working with its joint venture partner, Landlink Estates Limited ("Landlink"), to develop the application site. Landlink is a privately owned company that manages the estate of a well-established group of companies forming part of the Langmead Group. The Langmead Group is based in Bosham and owns a significant agricultural and horticultural estate across the south coast and further afield. Manor Farm forms part of the Langmead Group's estate.
- 4.4 The Shripney Solar Farm makes a valuable contribution to the diversification of the farm business and supporting its energy requirements.

Review of Phase 2

- 4.5 Phase 1 of the consented scheme was implemented under the Feed in Tariff (FiT) regime which' at that time' provided a 20-25 year funding stream for solar projects. The abolition of that tariff arrangement in 2019 however had a significant effect on the viability of proceeding with Phase 2.
- 4.6 The potential availability of new funding for Phase 2 through the Government's "Contracts for Difference" (CfD") process now presents the opportunity to deliver the consented Phase 2 of the permitted scheme.

- 4.7 However, for this to be funded institutionally, the development must be shown to have the ability to make a long-term commitment to energy production, offering a lifespan of 50 years.
- 4.8 The existing permission has a lifespan of 30 years and expires in 2045. This duration was a period identified by the applicant at the time, reflecting the time frames of the FiT funding and the initial warranty terms that solar PV panel suppliers offered.
- 4.9 However, with regular maintenance and care, solar panels can now last 50 years after installation. Indeed with maintenance using the latest technology, equipment can be made more efficient than originally anticipated. Extending the lifespan of existing apparatus therefore represents a carbon neutral means of continuing to meet the pressing need for energy from renewable sources.

5.0 Proposal

- 5.1 To allow for the for sustainability and economic benefits of the solar farm to be realised in full, Mango Planning & Development Limited is instructed to submit a planning application to extend the permitted life of the solar farm by 20 years. This will allow up to 50 years of onsite energy production over both phases of the consented development.
- 5.2 The 21MW original forecast of output of the site, when complete, would provide the equivalent power of the average consumption of 5,000 homes, which will be continued to be exported to the local distribution network for use in local homes and businesses while supporting the Langmead Group's farming operations. In practice, due to new technology, the site may be able to deliver up to 25MW when complete, providing power for the equivalent of up to 6,000 homes.
- 5.3 It is therefore proposed that Condition 4 be amended to read as follows:

"The planning permission hereby granted is for a period from the date of this decision until the date occurring 50 years after the date of commencement of the development hereby permitted (15th December 2015)."

6.0 Planning policy

The development plan

6.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 The development plan for the application site comprises the Arun Local Plan 2011 to 2031, West Sussex County Council's Waste and Minerals Plans and the Bersted Neighbourhood Plan.

6.3 The Arun Local Plan was adopted in 2018. Policy CSP 1 states:

"Outside the 'Built Up Area Boundaries' as identified on the Proposals Maps land will be defined as countryside and will be recognised for its intrinsic character and beauty. Development will be permitted in the countryside where it is, inter alia, "for the diversification of the rural economy".

6.4 As has been recognised by decisions of the Council elsewhere for similar proposals (e.g. Brook Barn Farm, Littlehampton (LPA Ref: LU/19/20/PL) the installation of PV on agricultural land accords with this exception.

6.5 In terms of the Council's specific policies towards sustainable energy, Policy ECC DM1 states:

"The Council will support renewable energy development subject to the criteria in this policy. Schemes will be expected to contribute to the social, economic and environmental development and overall regeneration of the district..."

6.6 It goes on to identify for criteria against which developments will be assessed. These relate to impact on the landscape and historic environment, the integration of the

proposal with existing or new development where appropriate, and the requirement to demonstrate a suitable connection to the electricity distribution network.

- 6.7 The Bersted Neighbourhood Plan was made in 2014 and is presently under review. The plan does not provide directly relevant policy to this proposal. While Policy ES7 does not support development outside of the built up area, it does not reflect more recent guidance on renewable energy found in the development plan and national guidance. Additionally, we note that the proposal was supported by the Bersted Parish Council in July 2014 and no conflict with the (then emerging) Neighbourhood Plan was identified at that time.

Other material considerations

National energy policy

- 6.8 In the UK, the Climate Change Act 2008 sets legally binding limits on carbon based energy production. To achieve this, the Renewable Energy Roadmap committed the nation to a 34% reduction in greenhouse gases by 2020 as compared to 1990 levels and set a target for solar production of 20GW. As at February 2021, only 13.51GW had been achieved.
- 6.9 In December 2020 the Government committed to a further reduction in greenhouse gases of 68% as compared to 1990 levels by the end of the decade and a net zero level by 2050. The “Ten Point Plan for a Green Revolution” (November 2020) envisages a significant upturn in the production of renewable energy, including from solar schemes through the Government’s flagship “Contracts for Difference” (“CfD”) bidding process. The Committee for Climate Change envisages a quadrupling of renewable energy supply by 2050.
- 6.10 Accordingly, the Government’s Climate Change guidance highlights (at Paragraph 001 ID: 6-001-20140306) that *“Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin plan making and decision taking.”*

National Planning Policy Framework (“NPPF”)

6.11 The NPPF states at paragraph 148 that:

“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improved resilience; encourage the re use of existing resources; including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

6.12 Paragraph 154 states that when determining planning applications for renewable and low carbon development, local planning authorities should:

- “a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable...”*

7.0 Planning assessment

- 7.1 The solar farm at the application site was granted planning permission in 2015. At that time, the Council considered the effects of the proposal against the policies of the adopted plan, but also gave considerable weight to the policies of the then emerging development plan that now prevails.
- 7.2 In particular, the landscape and historic and biodiversity impacts of the proposal were all fully considered by the authority at the time and found to be acceptable against relevant policies of the now current development plan.
- 7.3 This application does not propose any further development beyond that which is consented. It seeks simply the extension of time of which the approved development remains in situ, with resultant further benefits in terms of sustainable energy production and sustaining local employment.
- 7.4 The proposal remains a temporary use and does not prevent the reversion of the site to agricultural use in the longer term. Indeed, in the interim it is an integral part of management of the site that small animals can graze the field during its operation. As has been accepted by the Council elsewhere, such operations are recognised as an appropriate means of farm diversification that is compliant with Policy CS1.
- 7.5 The proposal was originally shown not to give rise to material harm to interests of acknowledged importance, including landscape, ecology, archaeology and flood risk. The extension of time sought will not materially affect these interests. In this regard the proposal continues to comply with the requirements of ECC DM1.
- 7.6 In addition to compliance with the relevant policies of the development plan, the proposal is wholly in accord with the aims and objectives of national guidance. It will provide an extended period for the production of sustainable energy but by extending the lifespan of solar equipment will achieve this benefit without the need for further equipment and infrastructure.

- 7.7 The proposal is therefore compliant with the development plan and relevant material considerations strongly support its approval. Indeed, as Paragraph 154 of the NPPF advises, absent material impacts, planning permission ought to be granted for such proposals.

8.0 Conclusions

- 8.1 This application seeks consent for the extension of the duration of the solar farm at Shripney from 30 years to 50 years.
- 8.2 This extension of time will enable the proposal to meet long term funding requirements and will expedite the delivery of the consented Phase 2 of the scheme, bringing with it material benefits for the diversification of the farm business and renewable energy production.
- 8.3 These benefits can be achieved without material impacts on any interests of acknowledged importance.
- 8.4 As a proposal in compliance with the development plan and the strong support of national planning and energy policy, planning consent ought to be granted accordingly.