

Recommendation Report for Planning Permission

REF NO: BE/68/21/PL

LOCATION: Manor Farm
Shripney Lane
Bersted
PO22 9UR

PROPOSAL: Variation of condition 4 imposed under BE/63/14/PL (as varied by BE/163/15/PL) relating to the lifespan of the development (change from 30 to 50 years)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to vary the condition which relates to the duration of the consented solar farm. It seeks to increase the consent from 30 years to 50 years.
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 built 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/163/15/PL	Variation of condition 2 imposed under planning reference BE/63/14/PL relating to approved plans.	ApproveConditionally 22-01-16
BE/63/14/PL	Installation of Solar Farm comprising erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks & ancillary equipment. Departure from the Development Plan.	ApproveConditionally 12-08-14

Noted.

The original permission was approved under BE/63/14/PL. The plans were varied under BE/163/15/PL.

REPRESENTATIONS

Bersted Parish Council provided no objection.

1 letter of support from a nearby occupier.

- The existing farm provides a valuable source of energy.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Greenspace - No objection and no comment regarding landscape implications.

Environmental Health - No objection

WSCC Highways - There are no changes to any access or capacity aspects of the application. The current use and permission has been in existence for sometime. Therefore, I would not foresee there being any significant highway issues to the variation of condition to allow a change from 30 to 50 years.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Outside the built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
CSP1	C SP1 Countryside
ECCDM1	ECC DM1 Renewable Energy

[Bersted Neighbourhood Plan 2014 Policy ES1](#)

Design of new development

Bersted Neighbourhood Plan 2014 Policy ES7

Development outside of the Built Up Area Boundary

Bersted Neighbourhood Plan 2014 Policy ES8

Renewable energy

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's

Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 outweigh this conflict such as the need to promote economic growth and the promoting the use of renewable energy in the District.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background (see above).

CONCLUSIONS

PRINCIPLE

This application seeks consent for the extension of the duration of the consented solar farm at Shripney from 30 years to 50 years.

There have been no objections received from consultees.

The scheme is to be delivered in 2 phases. Phase 2 has not yet progressed however funding can be secured should the time period for consent be extended.

The planning statement refers 'With regular maintenance and care, solar panels can now last 50 years after installation. 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.'

The scheme brings with it material benefits for the diversification of the farm business and renewable energy production, which is important for future climate change initiatives. The use of the solar farm is already in existence and therefore no physical alterations are proposed.

The extension of the time period is not considered to give rise to adverse impact upon the environment or amenity.

SUMMARY

It is recommended that permission be granted.

Condition 2 of the permission has been varied by application BE/163/15/PL. All other conditions imposed permission BE/63/14/PL remain valid.

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 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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 the following impacts have 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).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Condition 4 of BE/63/14/PL to now read:

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).

- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.
- 3 **INFORMATIVE:** This permission is for the variation of condition 4 on BE/63/14/PL only. All other conditions imposed by that permission remain valid.