



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2015
Application for Planning Permission
DECISION NOTICE

Application Ref: BN/29/15/PL

1 To Addressee

The Landmark Practice
 Hope Chapel House
 Hope Chapel Hill
 Bristol
 BS8 4ND

2 Site Address

Land at Barnhan Court
 Barnham

3 Description of Development

Solar park including the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks, ancillary equipment & ecological mitigation. This application is a Departure from the Development Plan.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT this development to be carried out in accordance with the application and plans and subject to the following conditions**

- 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:
- 2768_11
2768_LF_500
2768_05
2768_06
2768_07
2768_08
2768_09
2768_10
- 2768_LF_100 A
2768_03 D
2768_04 Rev A
- Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN3, GEN7 of the Arun District Local Plan.
- 3 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.
- No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.
- Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.
- 4 The planning permission hereby granted is for a period from the date of this decision until the date occurring 25 years after the date of commencement of the generation of electricity. 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 panels 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 The development shall be carried out in full accordance with the recommended measures set out in the Extended Phase 1 Habitat Survey of BL Solar Limited July 2015 submitted in support of the application.
- Reason: In the interest of conservation and enhancement of local biodiversity, in accordance with policy GEN29 of the Arun District Local Plan and paragraph 118 of the NPPF.
- 8 Access to the site shall be from Church Lane only, in accordance with detailed plans to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority prior to commencement of works on site. The submission must outline how the public right of way which runs across the north of the site shall be used for access. Thereafter, it shall be retained for its intended purpose.
- Reason - To ensure fit-for-purpose access constructed to appropriate design and safety standards and to control traffic movements in and out of the development site in accordance with policy GEN7 of the Arun District Local Plan. The condition is required to be pre-commencement as to prevent blocking of the public right of way and danger and disruption to it's users.
- 9 The proposal must be constructed in compliance with the approved CTMP (Construction and Traffic Management Plan) TPBR0111 at all times throughout the entire construction period.
- Reason: To ensure fit-for-purpose access constructed to appropriate design and safety standards and to control traffic movements in and out of the development site in accordance with policy GEN7 of the Arun District Local Plan.
- 10 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.
- Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 11 Following the completion of the development, a management plan must be created with the assistance of an ecologist to manage the annual growth of wildflowers and the development of scrub. The management plan should then be followed in perpetuity.

Reason: In the interests of the amenities of the area, the site biodiversity in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 12 The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: ICBR0039_FRA with drawings 2768_04 Rev A and 2768_03 D and the following mitigation measures detailed within:

-drawing 2768_04 Rev A, the lower edge of the panels should be no lower than 1.3m above existing ground level (2.3m Above Ordnance Datum (AOD). This is in line with the flood level of the 1 in 100 year plus climate change (1% Annual Exceedance Probability plus 20% allowance for climate change).

Reason

To prevent flooding elsewhere by ensuring no net loss of floodplain storage and ensuring flood flows are not impeded by the solar panel structures. To reduce the risk of flooding to the development and subsequent in accordance with policy GEN11 of the Arun District Local Plan.

- 13 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

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

INFORMATIVE: Section 59 of the 1980 Highways Act - Extra-ordinary Traffic

The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Asset Management Officer (01243 642105) in order to commence this process.

INFORMATIVE: A 20m buffer should be put in place around the active badger sett and no works should take place within this area, fencing should be used to ensure this area remains undisturbed. If any works need to be undertaken within 30m of the sett then a licence from Natural England would be required. If it is not possible for the buffer to be put in place then mitigation would be required and a Licence from Natural England would be required to remove the sett. If this is the case the Council would require that a mitigation strategy for Badgers is submitted for approval prior to continuation of work on site.

INFORMATIVE: No development should take place within 5m of any ordinary watercourse. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the

District Council.

INFORMATIVE: A precautionary approach should be taken within the site area with regards to reptiles. The grass should continue to be cut regularly so reptile habitat doesn't develop. Any dead wood, or rubble piles should be dismantled by hand and relocated

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.



Karl Roberts
Director Planning & Economic Regeneration

Case Officer: Richard Temple

Date of Decision:

24 February 2016

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the