

Recommendation Report for Planning Permission

REF NO: F/16/21/PL

LOCATION: HM Prison Ford
Ford Rd
Ford
BN18 0BX

PROPOSAL: Installation of a 239.2MWh Solar Photovoltaic (PV) generation system. This site is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to a Ground mounted Solar PV Array. The main features of the proposed development are:

- the Solar PV Arrays;
- Connection Route;
- Switch-gear units and cabling; and
- Security high weld mesh fencing.

The installation proposes 5 panels, comprising a total of 124 modules. The panels will be mounted in a portrait configuration, with 4 modules on top of each other in a horizontal arrangement. The panels would be angled with a height of approx. 2.1m dropping to 1m and will be south facing and inclined to between 20 to 35 degrees to capture the most sunlight.

The panels will be laid in rows with a minimum separation distance of 4 metres. The panels will be no higher off the ground than 3 meters and will be installed on a continuous framing system mounted on piles.

The panels will be accompanied by 3no. inverters and a Panel Board which connects the solar panels to the main switchboard which is located within one of the prison administrative buildings located to the east of the installation. The inverters will be 0.10, 0.16 and 0.2 cubic metres in size and will be installed on profile rails within proximity of the solar panels.

The site will be secured by a 1.8m high wire mesh deer fence. The fence will be painted green. It will form a complete enclosure of the site. A gate will be installed in the south west corner providing access to the compound.

The proposal includes 3no. bat boxes, 3no bird boxes, 1no. invertebrate habitat and 1no. hibernacula. Additional species

rich grassland is also proposed to be planted.

A vehicular access for servicing the PV array is proposed to be taken from an existing internal access road at the south west corner of the application site.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Main prison boundary to the west and the existing internal access road to the north.

SITE CHARACTERISTICS

The site is located in the south west corner of the HMP Ford prison complex. The land is currently hard standing understood to be used by the Prisons Garden Centre. The application site is 0.35 hectares in size and is adjacent to the main prison complex within the wider HMP Ford Estate.

CHARACTER OF LOCALITY

Mixed. Immediately to the south of the western area of the HMP Ford complex is Rudford industrial estate beyond which is the residential development (Horsemere Green) with agricultural land beyond.

To the south of the eastern area of the HMP Ford complex is a church and a farm building complex, with agricultural land beyond. To the north lies agricultural land, with residential properties to the east of Ford Road.

RELEVANT SITE HISTORY

F/3/19/PL	Erection of farm shop/cafe.	ApproveConditionally 14-11-19
F/27/17/DEM	Demolition of disused wooden building.	Objection 09-10-17
F/7/12/CLP	Application for a Lawful Development Certificate for a proposed development for a new housing for a water conditioner forming part of a new mains water installation	PP Not Required 14-06-12
F/13/11/	Replacement amenity, association & induction prison building	ApproveConditionally 22-07-11

REPRESENTATIONS

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection.

Cabling route runs very close to an area of land which has been identified as being potentially contaminated and could pose a health risk to workers involved with the cabling process. Application should be conditioned accordingly.

Drainage Engineer - No Comment.

Ecologist- No Objection.

Satisfied that the biodiversity enhancements recommended within the Concept Landscape Proposal are suitable and should be incorporated into the landscaping scheme. A condition should be used to ensure this takes place. Conditions should also be imposed relating to bats, birds and reptiles.

Lead Flood Authority - No Objection.

Archaeologist - No Objection.

It is possible that the site may contain buried non-designated archaeological assets relating to the former airfield and earlier activity that might be affected by ground-works such as those required for fencing, access and connection routes through previously undeveloped areas, therefore monitoring should be conditioned.

County Highways - No Objection.

The Local Highway Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109) and there are no transport grounds to resist this proposal. A Construction Management Plan condition should be applied.

Landscape Office - No Objection.

Landscape scheme should be implemented as soon as is possible as part of these proposals. The Concept Landscape Proposals LUC-11357-LD-PLN-106 issue C needs to detail the actual quantities, species and size at time of planting of the indicated proposed native hedge to strengthen the boundary to the west of the proposals. Maintenance operations to be in place to ensure establishment of the proposed landscape scheme. Request imposition of a landscape condition.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP1	SD SP1 Sustainable Development
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
LANDM1	LAN DM1 Protection of landscape character
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment

Ford Neighbourhood Plan 2019 Policy BUA1

Built Up Area (BUA) boundary

Ford Neighbourhood Plan 2019 Policy EH1

Protection of trees and hedgerows

Ford Neighbourhood Plan 2019 Policy EH2

Renewable Energy

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

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.

The relevant policies of Ford Neighbourhood Plan have been considered.

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 is considered to comply with relevant Development Plan policies in that there would be no materially adverse effect on visual amenity or the character of the area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -
(a) the provisions of the development plan, so far as material to the application,

- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE OF DEVELOPMENT

The proposed panels will provide energy solely for the operational prison with the objective of reducing mains energy usage and offsetting carbon emissions. The proposed solar arrays are predicted to generate 239.2MWh. This is expected to contribute to 19.55% of the total prison yearly energy demands.

Solar energy is a renewable source, producing electricity which emits no pollution, produces no greenhouse gases and uses no finite fossil-fuel resources offers very real benefits in savings in CO2 emissions and reducing the impact of greenhouse gases on climate change.

The application site is within the built-up area boundary of Ford as defined in the Local Plan and Neighbourhood Plan (policy BUA1) where Policy SD SP2 of Arun Local Plan states that development should be focused and permitted subject to consideration against other policies of the Local Plan. Policy ECC DM1 supports proposals for appropriately located renewable energy development and their ancillary development. The location and principle of a ground mounted PV installation array and associated infrastructure is therefore accepted.

Part 14 of the NPPF para 158 states that local authorities should when determining planning applications for renewable and low carbon development, local planning authorities "approve the application if its impacts are (or can be made) acceptable"

RENEWABLE ENERGY POLICIES

Policy ECC DM1 of the Arun 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 landscape, habitats, the historic environment and residential amenity including visual, noise and odour.

Policy EH2 of Ford Neighbourhood Plan supports energy generating infrastructure using renewable or low carbon energy sources to serve individual properties or groups of properties provided it is located as close as practicable and is in proportion to the scale of the existing buildings it is intended to serve, that the siting, scale, design and impact on heritage assets, landscape, views and wildlife of the energy generating infrastructure is minimised and adjoining uses are not adversely impacted in terms of noise, vibration or electromagnetic interference.

For the reasons set out below the proposal would be acceptable in terms of these criteria.

The proposal would also accord with Arun Design Guide, Part K which requires all new development to be designed to reduce energy demand and carbon emissions in line with national and local standards including the Arun Local Plan and encourages incorporation of low and zero carbon (LZC) technologies and clear commitments to comprehensive energy monitoring and transparency of performance.

VISUAL AMENITY/LANDSCAPE CONSIDERATIONS

The proposed development would introduce new fencing, and solar panels into an area of the prison site which is currently undeveloped. As a result, it would inevitably have an impact particularly on local views. The applicants have submitted a Landscape Opinion report and associated Concept Landscape Proposals.

The proposed solar installation will not be a prominent feature within the landscape due to its low height and site coverage. The submitted Landscape Opinion report considers the Council's landscape assessment and landscape sensitivity studies and concludes that the mature shelterbelt which surrounds the prison complex to the north, west and south, and the prison buildings to the east of the site, provide significant screening from the surrounding area. Any views of the proposed development will be filtered by vegetation and be seen in context with the prison buildings. The only receptors with potential views are motorists on Ford Road, 220m east of the site, albeit, any views will be fleeting and seen in the context of the surrounding prison complex leading to only minor change to the character of views from these receptors.

The site lies within a secure prison estate with no access by the public. No public rights of way are available to or across the site. The development accords with Policy ECC DM1 of Arun Local Plan and Ford Neighbourhood Plan Policy EH2 in that the site is the most appropriate location for the proposed panels within the prison estate which it directly serves and located where it does not interfere with or impact on neighbouring uses. The panels are of a modest scale and not visually prominent when viewed against the backdrop of other structures within the existing prison complex and will therefore appear subservient and ancillary to this existing development.

Thus the visual amenity of the area will not be compromised and the proposal would be an acceptable form of development within the built up area boundary in accordance with policy D DM1 and D SP 1 of Arun Local Plan.

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.

BIODIVERSITY CONSIDERATIONS

Policy ENV SP1 confirms that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species.

The application is supported by a Preliminary Ecological Appraisal. The development site is of low ecological value, and the applicant proposes to introduce 3no. bat boxes, 3no. bird boxes, species rich grassland, 1no. invertebrate habitat and 1no. hibernacula which will result in a 13.63% net gain in habitats at the site. The development will also deliver a 100% net gain in hedgerow, thus providing a net gain in biodiversity. The panels will be installed on a continuous framing system mounted on piles. These will have a minimum impact on the ground and will allow the site to be returned to its current state at the end of the installation's lifespan.

Policy EH1 of Ford Neighbourhood Plan requires development proposals to be designed to incorporate biodiversity within and around developments and enhance ecological networks, seeking to retain wherever possible trees of arboricultural and amenity value and hedgerows. Existing trees are to be protected as indicated on the submitted plan and root protection areas provided in accordance with this Neighbourhood Plan policy and Policy ENV DM4 of Arun Local Plan. Policy ENV DM5 of the Arun Local

Plan seeks to achieve a net gain in biodiversity. Information on Biodiversity Net Gain has been provided as part of the planning application and biodiversity enhancements have been included within the scheme and can be conditioned in compliance with Local Plan and Neighbourhood Plan policies.

RESIDENTIAL AMENITY CONSIDERATIONS

The installation is also not located adjacent or close to any existing homes and will therefore have no impact on residential amenity. It will also not provide any electricity back to the National Grid; all energy generated from the panels will be used by the prison directly. There are no neighbouring uses near the proposed PV installation meaning that they will not therefore lead to noise, vibration or electromagnetic interference.

The environmental health officer has raised no objection. The proposal is therefore compliant with policies D DM1 and QE SP1 of Arun Local Plan. Potential contamination risks are being controlled by condition.

TRAFFIC AND ACCESS

The proposal utilises an existing access and once constructed would generate little traffic only requiring parking for occasional maintenance staff. A vehicular access for servicing the PV array is proposed to be taken from an existing internal access road at the south west corner of the site.

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. It states schemes must explain how development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter.

Para 110 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 111 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

WSCC Highways are satisfied the proposal will not result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal is not contrary to the NPPF (para 111), and there are no transport grounds to resist the proposal.

ARCHAEOLOGY

Local Plan policies HER SP1 and HER DM6 seek to protect, preserve, and enhance the historic environment. The submitted Historic Environment report identifies that the existing prison complex is constructed on part of the former Ford Airfield, which is a non-designated heritage asset. This is the only identified heritage asset where there is potential for harm in terms of archaeology and setting. The Historic Environment report concludes that the undesignated asset is unlikely to experience significant additional change to its significance, therefore, any harm would be less than substantial (NPPF paragraph 196) owing to its limited extent. The Historic Environment report also concludes that the other identified designated and non-designated assets are not likely to have their significance affected.

It may be necessary to monitor the works as it progresses. This has been suggested by the archaeologist and is secured by an appropriately worded condition.

The proposal is therefore compliant with policies HER SP1 and HER DM6 of Arun Local Plan.

CONCLUSION

Climate change targets have strengthened recently placing even more emphasis upon the value of renewable energy resources. The application is therefore recommended for approval subject to the following conditions.

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 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:

Site Location Plan (ref: DR-A-1300 Rev.7)

Site Plan General Arrangement (ref: DR-A-1301 Rev.5)

Concept Landscape Proposals Plan (ref: LUC-11357-LD-PLN-106 Issue C)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policy D DM1 of the Arun Local Plan.

- 3 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 4 No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6.

- 5 No development shall commence 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,
- 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 in accordance with

policy T SP1 of the Arun Local Plan.

- 6 Prior to use of the site, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 7 Prior to use of the site ecology mitigation in the form of 3no. bat boxes, 3no bird boxes, 1no. invertebrate habitat and 1no. hibernacula indicated on drawing LUC-11357-LD-PLN-106 rev C shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure a net gain in biodiversity in accordance with policy ENV DM5 of Arun Local Plan.

- 8 No panels shall be installed 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 and the biodiversity enhancements recommended within the Concept Landscape Proposal. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the use of the site 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 D DM1 of the Arun Local Plan.

- 9 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.

- 10 INFORMATIVE: Bats
Any lighting scheme for the site should take into consideration the presence of bats in the local area and the scheme should 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.

- 11 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.

- 12 **INFORMATIVE: Reptiles**
When the proposed landscaping is in place the habitat will be suitable for reptiles. A precautionary 2 phased cut should be used on the site for any maintenance involving removal of scrub, grassland or ruderal vegetation.