



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2010 (as amended)
Application for Planning Permission
DECISION NOTICE

Application Ref: LU/385/14/PL

1 To Addressee

Pegasus Group
 Abbey House
 Grenville Place
 Bracknell
 Bracknell Forest
 RG12 1BP

2 Site Address

Land at Brook Barn Farm
 Courtwick Lane

 BN17 7PX

3 Description of Development

Construction of a solar energy park to include the installation of solar panels, security fencing, transformer housing, access and other associated works

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 compliance with the conditions specified below.

- 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: 001065_100 Rev B, 001065_400 Rev A, 001065_200 Rev A, 001065_401 Rev A.

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

- 3 No development shall commence until details of the associated inverter stations, transformers, circuit breaker enclosure, metering cabinet, 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 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 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 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.
- 9 The development shall be carried out in full accordance with the recommended measures set out in the Ecological Assessment by Grassroots Ecology, dated December 2014 (ref 1038) 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.
- 10 Access to the site shall be from Old Mead Road only, in accordance with detailed plans to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority. 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.
- 11 No development, hereby approved, shall be occupied until provision for parking, turning, loading and unloading of vehicles associated with the development clear of Old Mead Road and any adopted highway has been provided in accordance with plans to be submitted to and approved by the LPA after consultation with the CHA. Provision should thereafter be maintained solely for the purpose of the parking and turning of vehicles clear of any adopted highway and Old Mead Road.

Reason - To ensure that adequate provision for the parking and turning of vehicles is provided for the development in accordance with policy GEN7 of the Arun District Local Plan.

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Prior to development commencing, a Construction Management Plan shall be submitted to and be approved in writing by the Local Planning Authority after consultation with the Highway Authority. This shall require the applicant and contractors to minimise disturbance during both the construction and demolition phases of the development and will include (but not be limited to) details of the following information for approval:

- the phased programme of construction works;
 - the means of access and road routing for all construction traffic associated with the development;
 - provision of wheel washing facilities and details of their operation and location;
 - Details of street sweeping;
 - construction working times including delivery times;
 - details of a means of suppressing dust arising from the development;
 - details of all proposed external lighting to be used during construction;
 - details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
 - details of areas to be used for the storage of plant and materials associated with the development;
 - details of the temporary construction site enclosure to be used throughout the course of construction (including access gates).
 - Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
 - Evidence of consultation with neighbours prior to works commencing.
 - Details of any temporary traffic management that may be required to facilitate the development including Chapter 8 traffic signage.
 - Commitment by the applicant to any road repairs (as may be identified) at junction of Old Mead Lane with A284 Lyminster Road and to Old Mead Road itself (will require before and after survey of said roads). A Section 59 Agreement may be necessary for parts of the adopted highway network - WSCC can advise on request.
- Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

Reason - To ensure safe and neighbourly construction in the interests of amenity/road safety in accordance with policy GEN7 of the Arun District Local Plan.

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The development shall be carried out in full accordance with the findings/calculations set out in the Noise Impact Assessment by 24Acoustics, dated 27th February 2015 submitted in support of the application.

Reason: In the interest of residential amenity, in accordance with policy GEN32 of the Arun District Local Plan and paragraph 118 of the NPPF.

- 14 No development approved by this planning permission shall take place until a remediation strategy that includes the following components 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.
- 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 District Local Plan policy GEN7.
- 15 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.
- 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 District Local Plan policy GEN7.
- 16 The results of the site investigation and the detailed risk assessment referred to in (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.
- 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 District Local Plan policy GEN7.
- 17 A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy 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 written consent of the local planning authority. The scheme shall be implemented as approved.
- Reason: The site lies above a former known landfill which lies above the Chalk which is designated a Principal Aquifer. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site.
- 18 Prior to the site becoming operational a verification report demonstrating completion of 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. The long-term monitoring and maintenance plan shall be implemented as approved.
- Reason: To ensure that any remediation, if deemed necessary is satisfactorily completed.

- 19 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any contamination identified during the construction works is fully characterised and assessed.

- 20 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

- 21 Prior to the commencement of development details raised by Network Rail in their representation concerning future maintenance, drainage, plant and materials, scaffolding, piling, fencing, lighting, noise and vibration, vehicle incursion and asset protection shall be submitted to and approved by the Local Planning Authority in consultation with Network Rail. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development which is adjacent to Network Rail Property and Infrastructure does not adversely impact upon Network Rail's assets and does not compromise safety impacts both during construction and following completion.

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.

INFORMATIVE:Following the risk management framework provide in CLR11, Model procedures for the management of land contamination
<https://www.gov.uk/government/publications/managing-land-contamination>

INFORMATIVE:Roads not forming part of the adopted highway network, will not be inspected by the Highway Authority before, during or after any construction phases. It is recommended that such roads should, however, be assessed and formally signed-off/approved by a suitably qualified engineer to the satisfaction of the LPA.

INFORMATIVE:The applicant should contact West Sussex County Council Legal Services to obtain necessary information about a Section 59 Agreement under the Highways Act 1980, as referred to in condition 4 above. This Agreement may be required due to the extraordinary traffic that would be generated during the construction works and to provide a means of making good the public highway following the cessation of construction traffic and building work on the site.

INFORMATIVE:Further information may be found on the land contamination technical guidance pages on the direct.gov website <https://www.gov.uk/government/collections/land->

contamination-technical-guidance

INFORMATIVE:Referring to the Environment Agency guiding principles for land contamination and the land contamination sections in the Environment Agency's Groundwater Protection: Principles and Practice

<https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>

<https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>



Karl Roberts
Assistant Director Planning & Economic Regeneration

Case Officer: Mr J Baeza

Date of Decision:

23 April 2015

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

NOTES RELATING TO PLANNING APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990
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 First 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 your local planning authority's decision on your application, 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 your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a Minor Commercial development) of the date of this notice, whichever period expires earlier.

For all other cases, if you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Secretary of State at the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or on line at www.gov.uk/government/organisations/planning-inspectorate

If this decision is a refusal relating to a minor commercial development, where the application was made on or after 1 October 2013, please note that you must appeal within 12 weeks of the date of this notice. For a definition of minor commercial development please refer to The Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013 or contact this office for clarification.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

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 public highway (including the placing of skips on highway land).