

Recommendation Report for Planning Permission

REF NO: LU/19/20/PL

LOCATION: Land at Brook Barn Farm
Courtwick Lane
Littlehampton

PROPOSAL: Application for Variation of Conditions imposed on planning reference LU/385/14/PL relating to condition no.4 - extend the period of the solar farm by 15 years.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	An application to vary condition 4 of the original application LU/385/14/PL from "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". to "The planning permission hereby granted is for a period from the date of this decision until the date occurring 40 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". This was amended during the application to:- The planning permission hereby granted is for a period from 40 years after the date of commencement of the generation of electricity (7 October 2015).
SITE AREA	5.20 hectares
TOPOGRAPHY	Predominantly flat.
TREES	No trees are affected by the proposed development.
BOUNDARY TREATMENT	The railway line borders the site to the south with a dense shrub line and a line of trees the other side of the line. The Black Ditch watercourse (a river Arun tributary) runs along the site's northern boundary. The solar farm as now implemented is surrounded by a 2 metre high deer proof security fence.

SITE CHARACTERISTICS
CHARACTER OF LOCALITY

The site is now occupied by a solar farm as approved.
Nearest residential property (Castlevew) is 100m to the east. Some 50m past this property is a complex of residential single storey static caravans. Old Mead Road mainly comprises two storey terraced housing. The area south of the railway line comprises two storey residential properties. Open agricultural land elsewhere forming the Lyminster - Arundel Strategic Gap. There are no Public Rights of Way within the site.

RELEVANT SITE HISTORY

LU/365/19/DOC	Approval of details reserved by condition imposed under ref LU/385/14/PL relating to Condition No 3 - associated inverter stations, transformers, circuit breaker enclosure, metering cabinet CCTV and deer fence security.	DOC Approved 24-02-20
LU/385/14/PL	Construction of a solar energy park to include the installation of solar panels, security fencing, transformer housing, access and other associated works	ApproveConditionally 23-04-15

The solar farm was approved and constructed in 2015 and has been operational ever since.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environmental Health
Economic Regeneration
Arboriculturist
WSCC Strategic Planning
West Sussex - Waste Disposal
Engineers (structural)
Engineering Services Manager
Natural England
South Downs National Park

CONSULTATION RESPONSES RECEIVED:

Natural England - No comment to make.

ADC Structural Engineers - No comment.

WSCC Highways - No objection.

ADC Environmental Health - No objection as no complaints regarding operation of site.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

OUTS BUILT AREA

PD RESTRICTION

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
SDSP3	SD SP3 Gaps Between Settlements
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
LANDM1	LAN DM1 Protection of landscape character
LANDM2	LAN DM2 The Setting of Arundel
WDM2	W DM2 Flood Risk

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Policies 1 & 2 of the Littlehampton Neighbourhood Plan are considered relevant to this proposal.

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 it is a form of diversification to support the rural economy of the area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

BACKGROUND

The principle of development and planning grounds for approval of the development now operating has been established in planning permission LU/385/14/PL. No complaint has been received regarding the operation of the solar farm in the period since the solar farm has been operational and as such there is no reason to deny planning permission for an extension of time period for operations. The Planning policy background remains the substantially same and climate change targets have strengthened placing even more emphasis upon the value of renewable energy resources.

No other issues have been raised by consultees regarding the operation of the solar farm.

PRINCIPLE OF DEVELOPMENT

The proposed development generates 3MW of electricity from solar energy which 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 development ensures a constant and affordable source of energy, contributing to economic stability and providing a further form of diversification to support the rural economy of West Sussex.

Part 14 of the NPPF 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"

A number of Local Plan Policies are relevant to the principle of the proposal. Policy ECC DM1 of the Arun District 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.

However, because the site is located in an area designated as Countryside outside the built up area boundary policy C SP1 precludes development such as this unless one of five criteria is met. One of them, diversification of the rural economy, is considered to be met in the case of this application.

The impact of the development on Landscape, Residential Amenity, Land Contamination, Loss of Agricultural Land, Biodiversity, Flooding and Traffic and Access remain as they were when the application was originally approved under LU/385/14/PL and the original planning permission and conditions will remain in force.

CONCLUSION AND RECOMMENDATION

The application proposes extension of the time period for the development by 15 years from 25 to 40 years. The development is of a solar park, with associated infrastructure and equipment, on agricultural land at Brook Barn Farm. It is considered that the principle of development is acceptable in light of Local Planning Policy and especially given the support for renewable energies in the National Planning Policy Framework and the variation of condition is therefore recommended for approval.

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 planning permission hereby granted is for a period from 40 years after the date of commencement of the generation of electricity (7 October 2015).

Reason: For the avoidance of doubt and in the interests of the long term amenity and the environment in accordance with Policy D DM1 of the Arun District Local Plan.

- 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.