

REPORT UPDATE

Application No: LU/385/14/PL

Reason for the Update / Changes

Reason for Update/Changes:

Amend condition number 4. Delete "development hereby permitted" and replace by "generation of electricity".

Consultation response from Network Rail - Concern. The developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

FUTURE MAINTENANCE

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

DRAINAGE

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off

onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

PLANT & MATERIALS

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

SCAFFOLDING

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

FENCING

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

NOISE & VIBRATION

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

VEHICLE INCURSION

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Network Rail strongly recommends the developer contacts

AssetProtectionsSussex@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/aspx/1538.aspx

Officers Comment:

From when electricity begins to be generated as opposed to when permission is granted should be the relevant 25 year life span of this development.

The concerns raised by Network Rail can be adequately addressed by the imposition of an additional condition number 21.

Note: The changes to recommendation, conditions and/or reasons show under Officers Recommendation at the end of the attached report. An additional condition has been added to address Network Rail's concerns

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

LU/385/14/PL

Recommendation Report for Planning Permission

REF NO: LU/385/14/PL

LOCATION: Land at Brook Barn Farm
Courtwick Lane
Littlehampton

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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed development involves the installation and operation of a solar park with associated infrastructure and equipment on land at Brookbarn Farm accessed off Old Mead Road a privately owned road. The solar farm will be capable of contributing 3MW of electricity to the National Grid.

The solar farm is split into two sites and comprises a total 13,200 no. panels laid out in rows across the site from east to west, in a south facing orientation and at a maximum height of 2.4m. The panels would be set in from each of the boundaries.

There would also be two transformers 2.4m high located within 3.5m x 3.5m x 2m high fencing with switchgear (1.1m x 2.6m x 1.9m) alongside. One circuit breaker unit is also proposed with dimensions 2.5m x 2.8m x 2.4m high.

Stock proof deer security fencing of a maximum height of 2m would enclose the site. A wildflower planting mix and hedgerow boundary planting is proposed to enhance biodiversity and provide screening.

SITE AREA

5.20 hectares

TOPOGRAPHY

The site is generally flat and rises steeply as you enter Arundel town centre over 3km to the north.

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.

SITE CHARACTERISTICS

The site is a former landfill site restored to agriculture and is currently grassland used for grazing and animal feed production.

CHARACTER OF LOCALITY

Nearest residential property (Castlevue) 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. A horticultural business with a complex of glass houses accessed off Old Mead Road is located south east of the site.

RELEVANT SITE HISTORY

No relevant site history.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Arundel Town Council

No Objection

13 individual objection letters from neighbouring residents (two from same address) in addition to an objection from Nick Gibb MP and a planning agent representing clients from numbers 22-70 Old Mead Road. The following concerns are raised:

*proposal does not meet definition of previously developed land and therefore represents a substantial development on greenfield land with accompanying negative impact on the rural environment

*no evidence of a search for less sensitive sites in conflict with NPPF

*proposal will erode the Strategic Gap in conflict with policy AREA10

*access point and neighbouring properties are located within flood zones 2 & 3 and proposal will therefore increase risk of flooding

*the applicant proposal to produce a construction management plan to ban the parking of vehicles in the first 20 metres of Old Mead Road cannot be secured as it is a private road

*it will conflict with policy AREA3 and emerging policy LAN DM2 to protect strategic views of Arundel.

*The sewer system under Old Mead Road may be disrupted as the road is not designed to carry very heavy traffic, especially over a prolonged period,

- *The road will be destroyed with no intention to repair,
- *The potential for road accidents will be increased due to poor visibility at the Old Mead Road/ Lymminster Road junction, especially with slow turning lorries,
- *Potholes caused by increased traffic will damage vehicles,
- *Damage to the fauna will disrupt endangered bats and owls,
- *Wildlife such as birds, ducks, rabbits and mice may be affected,
- *Drilling of the landfill site may release dangerous gases,
- *The noise caused by the solar panel junction box,
- *The noise caused by pile drilling,
- *The constant noise caused by transformers,
- *Access via Old Mead Road is unsuitable due to the condition of the road,
- *The field is on a flood plain,
- *Children would not be safe, they wouldn't be able to ride their bikes, scooters or even play out during delivery of the solar farm,
- *Old mead road is currently used as a path by residents and the increased traffic will cause danger to pedestrians,
- *Domestic animals may be at risk due to increased vehicular access i.e. trucks hurtling down the road,
- *The delivery of the proposal will cause stress to the existing residents,
- *Dust caused by the disruption will effect asthmatic residents,
- *The character and appearance of the area will be affected and views over the landscape will change.

1 letter of no objection from nearest property (Castlevew Nursery) who are satisfied that this type of development will be acceptable. Support this proposal for renewable energy.

Comments on Representations received:

There is no policy requirement to carry out a sequential search of suitable sites nor that proposals such as this one are restricted to previously developed land only. Considerable weight has been placed on the NPPF's presumption in favour of developments for renewable energy which requires that Local Planning Authorities recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources' (paragraph 97). Principally, paragraph 98 makes it clear that 'when determining planning applications, Local Planning Authorities should,' ...approve the application if its impacts are (or can be made) acceptable.' In this case, the detailed assessment submitted and mitigation measures proposed (which would be secured by planning conditions) are considered to address this requirement fully.

There is also strong support for renewable energy and the UK is committed to reducing CO2 emissions. In this respect, the proposal has the 'in principle' support of the NPPF and Planning Practice Guidance (PPG). The UK Renewable Energy Strategy (July 2009) sets a renewable energy target of 15% of total energy to be generated from renewable sources by 2020. In addition to this the Climate Change Act 2008 makes binding the need to cut UK greenhouse gas emissions by 80% by 2050.

The landscape/ecology assessment surveys and mitigation measures therein contained are agreed to make the proposal acceptable in visual and wildlife terms and compliant with its strategic gap designation. The significant distance from historic points in Arundel will mean that there will be limited, if any, glimpses of the proposal and therefore no breach of policy AREA3 of the Arun District Local Plan.

The submitted Flood Risk Assessment confirms that the whole of the application site (excluding access point) is in Flood Zone 1 (low risk of flooding) and the proposal will not

increase risk to flooding. Damage to sewers is not a material planning consideration as these, if connected to a public sewer, are the responsibility of Southern Water. As a private road its upkeep is the responsibility of residents and it needs to be noted that as it forms the access to a farm it could potentially be used by heavy farm vehicles without any restrictions.

The highway authority consider the proposal to be safe in highway terms.

Conditions proposed by the Environment Agency are designed to ensure that as a former landfill site the proposal does not give rise to harm to public health. There will be no pile drilling of foundations.

A noise report has been submitted which has raised no objections to the proposal on noise grounds from the Council's environmental health department.

CONSULTATIONS

Economic Regeneration
Parks and Landscapes
Environment Agency
WSCC Strategic Planning
Environmental Health
Natural England
Engineers (Fluvial Flooding)
Engineers (structural)
Economic Regeneration
Environmental Health
H M Rail Inspectorate
Arboriculturist
Parks and Landscapes
West Sussex - Waste Disposal
South Downs National Park
Environmental Health
WSCC Strategic Planning
Environmental Health
Network Rail

Consultations responses received:

ARUN ECONOMIC DEVELOPMENT:- No comment.

WEST SUSSEX COUNTY COUNCIL ECOLOGY - No ecological objections subject to the following condition:

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: to conserve and enhance local biodiversity, in accordance with para 118 of the NPPF.

Comments

It is understood that objections to this proposal have been received partly on grounds of impact on bats and barn owls. The ecological report submitted with the application indicates that the

land where the solar panels are to be located comprises species poor semi-improved / improved grazed grassland. This is of low value for bats or barn owls, as well as being of low biodiversity value generally. Good bat foraging areas are associated with insect diversity and abundance, which in turn are positively associated with structurally diverse and species diverse vegetation. Currently, this is low and, whilst some foraging by relatively common species is expected (eg. those listed from the Sussex Biodiversity Records Centre search results), it is anticipated that the proposed enhancements would improve foraging value for these species. Barn owls rely on small mammals such as field voles as an important part of their diet, which in turn are associated with rough grassland and rank field margins. Again, the proposed enhancements would provide improved opportunities for this species to find suitable prey as a result of the sowing of meadow species and replacement of intensive grazing with annual cutting or low intensity grazing. In addition to these specific species, the proposed enhancements will be of benefit to wildlife generally.

WEST SUSSEX COUNTY COUNCIL STRATEGIC PLANNING :- No highway objection is raised to the proposal, subject to appropriate conditions being attached to any planning consent.

Site location and existing access.

The site is located at the western end of Old Mead Road, Littlehampton. Old Mead Road is designated as a private street and as such, is not maintained by the Highway Authority. Access to and from the site would be via a gated entrance at its western end. All vehicles would have to use Old Mead Road, entering and leaving the A284 Lyminster Road at its eastern end. The road surface of Old Mead Road is uneven throughout its entirety.

Proposal.

The proposal is for a solar energy park, including provision of solar panels, security fencing, transformer housing, access and other associated works. A temporary construction enclosure for the delivery of materials is included within the proposal although does not appear to be included within the red edging denoting the site boundary. The applicant should be sure that he/she can provide such a facility in-conjunction with the proposal.

Access to the facility (including construction phase) and associated traffic impact. The applicant proposes access to be off the western-most section of Old Mead Road. Other than an indicative arrow and dashed line, no specific detail is shown. If planning permission is granted, a requirement to provide a detailed site plan showing access should be secured. Likewise, this should also be provided for the construction compound.

The applicant states in his Transport Assessment (TA), that the proposal, when up-and-running, would generate up to 2 visits per month by a van, resulting in 4 traffic movements (two-way). During the construction phase (scheduled for 10 weeks), the applicant has stated that there would be up to 33 two-way movements per day, consisting of up to 15 van/cars and up to 3 HGVs. (Based on this information movements would actually extend to 36 movements per day - not 33 as stated in the TA).

The junction of Old Mead Road and the A284 Lyminster Road has been assessed in terms of suitability to cater for vehicles associated with the development - including the construction phase.

This assessment has extended to the entire length of Old Mead Lane using swept-path

diagrams. Other than some over-sailing of the centreline for the HGVs turning out of Old Mead Road travelling north onto the A284, the junction otherwise appears to operate satisfactorily. Given that movement by HGVs is proposed to be in low numbers, infrequent, temporary, out of peak traffic periods and assisted by banksmen (when required), the route in and out of the site is considered acceptable to the Highway Authority.

With regard to the safety record at the junction of Old Mead Road and A284 Lyminster Road and in addition to assessment of the junction in technical terms, personal injury accident records have been interrogated. During the period 1st September 2009 to 30th August 2014, no such accidents were recorded within 100m either side of the junction of Old Mead Road and A284 Lyminster Road.

Parking and turning for construction vehicles and servicing vehicles.

A compound is shown on the application drawings for use when the site is being constructed. As an observation, this appears to be outside of the application site boundary (red edging). It is the applicant's responsibility that this area can be provided as part of the planning application (and provided when the site is dismantled when the use ceases).

Construction Management Plan (CMP).

The application contains reference to how the construction phase would be managed. Measures such as scheduling of deliveries, use of 'banksmen' for deliveries, street sweeping etc. have been mentioned. If the LPA is minded to approve the proposal, a condition to secure a formal CMP should be attached to any consent.

As part of the CMP, the applicant has suggested implementing a temporary ban on parking of vehicles for the first 20m of Old Mead Road, at the point where it meets the A284 Lyminster Road.

Given the private status of Old Mead Road, the applicant should ensure that permission to implement any parking controls is secured from the owners/custodians (and frontagers) of the road prior to implementation and before construction works commence. The applicant should also ensure that appropriate safeguards to protect and/or repair and damage attributable to the vehicles using the road during the construction phase are agreed with the owner/custodian (and again, frontagers) of the road prior to works commencing. In addition, signage should be provided on the A284 approaches to Old Mead Road in accordance with Chapter 8 Traffic Signs Manual requirements.

Network Rail.

Given the proximity of the site to the railway, the LPA should consult Network Rail for comments.

Public Rights of Way (PRoW).

No PRoW appear to be affected by the proposals.

Conclusion.

No highway objection is raised to the proposal, subject to the following conditions being attached

to any planning consent:

1. Access to site (permanent - post construction) - Access to the site shall be from Old Mead Road only, in accordance with detailed plans to be submitted to and approved by the LPA after

consultation with the CHA. 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.

2. Parking and turning (permanent - post construction) - 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 to accord with approved policy.

3. Construction management plan - 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 and road safety.

Informatives.

Informative to Planning Officer - 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 - S59 Agreement - 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.

HM RAIL INSPECTORATE:- We have reviewed your proposals and supporting documents & note that your proposals do not affect the current or (future) operation of the mainline network in Great Britain.

ARUN GREENSPACE

The proposals put forward in this application have included careful consideration of its siting within the existing landscape. Existing landscape features such as trees and hedgerows and appropriate new planting along with thoughts on long term management of the developing landscape have been considered. A landscape scheme would maximise the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats.

The site indicated is screened to varying degrees around the site but with particular viewpoints from the north/west of the site. Additional planting will be required to gap up existing and provide screening in its entirety of the new receptors, this must also be considered also in relation to the wider viewpoints. Consideration should be given to species choice which has been indicated for these locations. New areas of hedgerow planting would be required to be plotted in plan form showing the location of these with quantities proposed, densities and size at time of planting.

Proposed planting would need to be sufficient in height with a mix of tree and shrub species that are sufficiently fast growing to provide a year round screen. Any screening proposed will need to provide a good mix of native species which when planted should establish quickly to form a balanced and appropriate planting scheme. This would be realised as it matures and the effects on the landscape of the development will diminish over time. The nature of the predominant site will change from arable/grass land to agricultural grassland with solar panels, this will in turn over time create a different habitat with differing biodiversity habitats forming. The proposals could provide the opportunity to enhance existing hedgerows and to secure on-going management of all structural vegetation within the site and boundaries.

Long term management of the developing landscape would need to be considered. The landscape scheme should maximise the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats.

The proposed planting is recommended to be in place prior to, but no later than the first planting season following the installation of the proposed solar panels. Proposals which comply with Policy SP3 on the countryside with consideration to be given to landscape and biodiversity enhancement through retention of existing hedgerows and the planting of new mixed hedgerow

along the boundary of the site would be required.

In conclusion there is no objection to the proposals subject to a landscape plan detailing species choice, densities and size at time of planting to be submitted for approval or set as a condition of any approval.

ARUN DISTRICT COUNCIL TREE OFFICER:- No objection as long to the proposed operation is contained within the proposed site boundaries. This can be justified as there are no trees on site that would be affected by any potential development.

NATURAL ENGLAND:- Having reviewed the application Natural England does not wish to comment on this development proposal.

The development however relates to the South Downs National Park. We therefore advise you to seek the advice of the National Park. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the National Park designation. They will also be able to advise whether the development accords with the aims and policies set out in the National Park management plan. We have not assessed this application and associated documents for impacts on protected species.

ARUN DISTRICT COUNCIL ENVIRONMENTAL HEALTH: 1st Consultation

There is currently insufficient information to comment upon this application. Please request the following:

1. An assessment of the effect of extensive pile driving into this existing landfill site and its potential to create pathways.
2. An acoustic report from an appropriately qualified acoustic consultant, to quantify the level and predict the effect of noise and vibration generated in the construction and running of this project at/on the nearest sensitive locations ie dwellings at Torri and Brook Barn Farms, in respect of:-
 - a. Pile driving
 - b. Generators operating on site.
 - c. The combined operation of all solar panels together. Please detail octave band analysis, with particular regard to low frequency noise output.
 - d. Output from the two transformers to be present. Analysis as above.

2nd consultation:- The Noise Impact Assessment provided is satisfactory in this case and there is no further objection to this application. It is understood that the original proposal to carry out pile driving at this site has now been abandoned. The replacement system, consisting solar panel stands held in place by ballast, is unlikely to cause any continuing noise nuisance.

ADC ENGINEERS:- Surface Water Drainage comments

The layout appears to show a significant distance between the boundary and any ditches or watercourses, allowing access for maintenance.

ENVIRONMENT AGENCY:- Planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition 1

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.

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 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.

4. 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.

Reasons: 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.

Condition 2

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.

Reasons: To ensure that any remediation, if deemed necessary is satisfactorily completed.

Condition 3

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.

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

Condition 4

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.

Planning Policy

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Supporting Notes

As identified in the Site Investigation reports, the site lies on a historic landfill that accepted a wide range of waste types. Any development may pose a risk to the wider environment and in this particular case, any piling or building structure (substation) could potentially mobilise contamination. In addition to this, any excavations within the landfill will produce waste arising that will need to be removed and disposed of at a appropriate permitted waste facility. In order to potentially reduce the risk, the report has recommended considering alternative foundation solutions such as ballasted or tethered systems.

The report also recommended that where applicable, dewatering operations may be required. As groundwater at this site is contaminated, this will need to need to be carefully considered and disposed of appropriately. It is likely that an Environmental Permit may be required for this activity.

The ground investigation did not take any samples and submit them for any contamination testing. In addition to this, while groundwater was noted within the boreholes, no samples were taken for testing either. Therefore no detailed assessment has been made on the contamination of the landfill and the potential risks that the development may have on the wider environment. The report however does state that a wide range of fill materials were identified and that frequent hydrocarbon and organic odours were encountered. This implies that there could be significant contamination across the site

Advice to applicant

It is recommended that developers should:

1. Following the risk management framework provided in CLR11, Model procedures for the management of land contamination

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

2. 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>

3. 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>

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person and in accordance with:

- BS 10175:2011 A1:2013 Code of practice for the investigation of potentially contaminated sites.
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points
- BS ISO 5667-18:2001, BS 6068-6.18:2001 Water quality. Sampling. Guidance on sampling of groundwater at contaminated sites

Comments on Consultation responses:

Comments noted and all conditions proposed are recommended to be imposed. At a distance of over 3km away from the South Downs National Park boundary the proposal has no effect on its setting.

POLICY CONTEXT

Designation applicable to site:
 Outside Built Up Area Boundary
 Private Road
 Littlehampton - Arundel Strategic Gap
 The setting of Arundel

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>AREA10</u>	Strategic Gaps
	<u>AREA3</u>	The Setting of Arundel
	<u>GEN21</u>	Renewable Energy
	<u>GEN29</u>	Nature and Conservation Across the District
	<u>GEN3</u>	Protection of the Countryside
	<u>GEN32</u>	Noise Pollution
	<u>GEN7</u>	The Form of New Development
	<u>GEN9</u>	Foul and Surface Water Drainage
		D DM1 Aspects of Form and Design Quality
		D SP1 Design
Publication Version of the Local Plan (October 2014):		ECC DM1 Renewable Energy
		ECC SP1 Adapting to Climate Change
		ECC SP2 Energy and Climate Change Mitigation
		LAN DM1 Protection of Landscape Character
		LAN DM2 The Setting of Arundel
Littlehampton Neighbourhood Plan 2014 Policy 1		SD SP3 Gaps Between Settlements
		W DM2 Flood Risk
		The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton. Littlehampton Town Neighbourhood Plan Policy 1 entitled The Presumption in Favour of Sustainable Development is 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 does not conflict 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 therefore considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE OF DEVELOPMENT

The proposed development will generate 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 will also ensure a constant and affordable source of energy, contribute to economic stability and provide a further form of diversification to support the rural economy of West Sussex.

Part 10 of the NPPF states that local authorities should "have a positive strategy to promote energy for renewable and low carbon sources" and "design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts."

In paragraph 98, Local Planning Authorities are advised to approve an application (unless material considerations indicate otherwise) if its impacts are or can be made acceptable. In relation to conserving and enhancing the natural environment, Councils should ensure that valued landscapes such as this one are protected and enhanced (paragraph 109).

A number of Local Plan Policies are relevant to the principle of the proposal. Policy GEN21 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 natural and built environments, residential amenity, public safety and ensuring that they make a contribution to meeting a need. The National Planning Policy Framework at paragraph 98 recognises that even small-scale projects such as this one provide a valuable contribution to cutting greenhouse gas emissions.

However, because the site is located in an area designated as Countryside outside the built up area boundary policy GEN3 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.

LANDSCAPE CONSIDERATIONS:IMPACT ON STRATEGIC GAP/SETTING OF ARUNDEL

The proposed development would introduce new buildings, fencing, and solar panels into an area of countryside which is currently undeveloped. As a result, it would inevitably have an impact particularly on local views. The applicants have submitted a Landscape and Visual Impact Assessment which has been assessed by the Council's Greenspace department.

The proposed solar park will not be a prominent feature within the landscape due to its low height and site coverage. There are no nearby public rights of way and the only partial/glimpsed road view will be from the end of Old Mead Road. The views from nearby residential properties will be greatly reduced by the existing tree screening (a high leylandi belt is present along the east side of Castlevue) and by the establishment of new hedgerow and tree planting along the perimeter

boundary. Although the high ground around Arundel Castle, Cathedral and National Park beyond that will afford views towards the solar park, the distance of several kilometres away and intervening field boundary planting will make it difficult/impossible to discern. Thus the effect on the visual amenity of the area, part of a Strategic Gap, will not be compromised and the historic setting of Arundel will not be adversely affected.

It is therefore considered that the proposal will have an acceptable impact on this valuable landscape though details of the proposed landscaping are required through conditions.

RESIDENTIAL AMENITY CONSIDERATIONS

The low height of the proposed structures (the maximum height is 2.6m), the existing trees around Castlevew and the proposed perimeter landscaping will mean that there will be no unacceptable impact on the residential amenities of neighbouring residents. Another potential concern is noise from the equipment once installed. A noise report was requested and the Council's Environmental Health Department have considered it and are satisfied that the solar park will not constitute a noise nuisance.

LAND CONTAMINATION

The application site is a former landfill site. As a result the Environment Agency (EA) have commented to say that unless remedial measures are undertaken they would raise an objection. A set of conditions are proposed by the EA which will ensure this is secured prior to the commencement of any development.

The applicants have confirmed that there will be no piling or other penetrative methods used to lay foundations and a condition will be imposed to ensure that this remains the case.

LOSS OF AGRICULTURAL LAND

Paragraph 112 of the Framework aims to safeguard the Best and Most Versatile (BMV) agricultural land (grades 1 to 3a) from inappropriate development, i.e. development unrelated to agricultural or forestry, unless there is a strong case in support of development that overrides protection.

The applicants claim that most of the site is underlain by an historical landfill which has since been restored to agriculture. As such they commissioned a soil survey and upon assessment of soil samples the agricultural land quality has been carried out and found to be Grade 4, according to the MAFF revised guidelines. Grade 1 land is classified as being of excellent quality and Grade 5 land of very poor quality. It is therefore considered that this land does not fall into the Best and Most Versatile (BMV) agricultural land and the proposal is compliant with policy.

BIODIVERSITY CONSIDERATIONS

A Phase 1 Habitat Survey has been undertaken in support of this application and concluded that the application site comprises entirely of species/pasture considered to be of limited ecological value. The development proposals should be seen as an enhancement in ecological terms through provision of new hedgerow planting and species rich grassland, which in turn would provide significantly enhance opportunities for bats, birds and invertebrates.

The County Council's Ecologist has assessed the application and raised no objection subject to

the inclusion of a condition to secure the proposed ecological enhancements recommended by the applicants Ecological Assessment survey.

FLOODING

The applicants have carried out a Flood Risk Assessment (FRA). According to the EA's indicative flood map the whole of the site lies within Flood Zone 1 (low risk). Land within Flood Zone 1 is classed in the NPPF as having 'little or no flood risk'. The access/egress to the site is located within Flood Zone 3 land classified as being at high risk of flooding. However, following construction, access would only be required for periodic maintenance and, if the access was flooded, maintenance personnel would postpone their visit until the floodwater had receded. The FRA concludes that the proposed development will be safe and that it would not increase flood risk elsewhere.

No objection has been received from the Environment Agency nor from the Council's fluvial engineers.

TRAFFIC AND ACCESS

Access to the site is obtained via Old Mead Road a journey of approximately 550m along what is a private road and as such, is not maintained by the Highway Authority (HA). The road surface of Old Mead Road is uneven throughout its entirety. The applicants have submitted a Transport Assessment (TA) which has been analysed by the County Council as the highway authority.

The TA states that the proposal, when up-and-running, would generate up to 2 visits per month by a van, resulting in 4 traffic movements (two-way). During the construction phase (scheduled for 10 weeks), the applicant has stated that there would be up to 33 two-way movements per day, consisting of up to 15 van/cars and up to 3 HGVs. Based on this information movements would extend to 36 movements per day. The HA has highway objection is raised to the proposal, subject to conditions being attached concerning:

- *Access to site (permanent - post construction)

- *Parking and turning (permanent - post construction)

- *Construction management plan - This shall require the applicant and contractors to minimise disturbance during both the construction and demolition phases of the development.

CONCLUSION AND RECOMMENDATION

The application proposes the development 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.

The supporting Appraisal of Landscape and Visual Effects survey identifies that, with the proposed mitigation, there will be no significant visual impact to the immediate and wider area including the Strategic Gap and historic views of Arundel, as a result of the scheme. It is considered that the proposed landscaping will mature to ensure sufficient screening in the medium to long term. With the mitigation measures proposed in the Ecological Assessment, the development is capable of being accommodated without adverse effect on ecology and the enhancement measures proposed could result in benefits to the local area.

The accompanying Flood Risk Assessment demonstrates that the proposed solar park will not increase flood risk, either on site or in the surroundings. There are no Development Plan policies which restrict the use of this site for a solar park development. Furthermore Government policies

are supportive of renewable energy developments. It is considered that the information provided with the application demonstrates that the proposed solar park development is in accordance with local and national planning policy. It is therefore recommended that full planning permission should be granted for the proposed development.

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 for 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 a neutral impact has 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.

As a neutral impact has been identified no mitigation is proposed.

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: 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.

- 12 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.

- 13 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 have adversely upon Network Rail's assets and does not compromise safety impacts both during construction and following completion.

- 22 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.

- 23 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>

- 24 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.

- 25 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.

- 26 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>

- 27 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>