

Recommendation Report for Planning Permission

REF NO: P/52/14/PL

LOCATION: Bowley Farm
Bowley Lane
Chichester

PROPOSAL: To install a 100.00kWp Solar PV Ground array.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposals consist of east/west rows of fixed solar pv panels mounted on metal frames and set into the ground. Piling is to a depth of around 1.5m. The panels are tilted southwards at approximately 20-30 degrees from the horizontal with a maximum height of 2.3m to the top of the panel frame. Inverters are attached to the panel mounting structure to convert the electricity from DC to AC.

The purpose of the array is to generate electricity for the farm and thus to draw less from the grid.

SITE AREA

0.27 ha.

TOPOGRAPHY

There is a slight slope from South to North.

TREES

There is a dense tree belt to the North and a narrower one to the west. However, no trees will be affected by the proposal.

BOUNDARY TREATMENT

Hedgerows around an open field. There is also a chain link fence protecting the tree belt to the North.

SITE CHARACTERISTICS

The application site is bare earth with grassland immediately surrounding it. There is an existing caravan park up the hill to the south. To the east there is a rough farm track.

CHARACTER OF LOCALITY

Rural farmland. The site is approached via the Chichester district along a country lane on which there are a few residential properties. To the rear of the land is Seftor Farm (Barfoots of Botley).

RELEVANT SITE HISTORY

The caravan park immediately to the south (for agricultural workers) was approved under application ref P/72/09/.

REPRESENTATIONS

Representations received:

Pagham Parish Council

Pagham Parish Council: no objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Parks and Landscapes

Environment Agency

Environmental Health

Engineering Services Manager

Engineers (Fluvial Flooding)

Chichester District Council

Natural England

WSCC Strategic Planning

Consultations responses received:

Natural England - No objection raised to the impact on the Pagham Harbour Site of Special Scientific Interest (SSSI). State that they have not assessed the potential for impacts on protected species.

Environment Agency - "Having reviewed the information submitted, I can confirm we have no objections on flood risk grounds. The development type is considered 'Less Vulnerable' in accordance with Table 2 of the National Planning Practice Guidance. The site is partly within Flood Zone 3. However, as the flood risk is from a tidal source there are no issues with potential loss is flood storage. The proposed panel will be raised 880mm above ground level and inverters 1.5m which is above the modelled flood depth of 250mm."

County Highways - "Further to the additional information supplied in the Design and Access statement and, in particular, in relation to the number of movements anticipated in the site set up I can advise that the LHA withdraw the objection. A total of 2 movements are required to deliver the panels and mounts - this is not considered to be a significant intensification above the existing agricultural use and will not materially impact the operation of the local network."

County Archaeology - "Raise no objection. Consider that the site will have been previously disturbed and that the physical impact of the array will be very minor in terms of ground penetration. Recommend that the Historic Buildings Advisor consider the impact on the setting of the Grade II* listed Bowley Farmhouse."

ADC Greenspace - The full response is on the Councils website but in summary; "The proposals need to comply with Policy SP3 on the countryside with consideration given to landscape and biodiversity enhancement through retention of existing hedgerows and the planting of new mixed

hedgerows along the boundary of the site. We conclude that we have no objection to the proposals but would recommend the submission and inclusion within the proposals of new planted areas in plan form, we would recommend that this application is considered as appropriate and approval considered on this basis."

ADC Drainage Engineers - "The site is within Flood Zone 3 and the Internal Drainage District, please consult the Environment Agency to confirm levels for infrastructure. The site is adjacent to a watercourse, sufficient access and a three metre easement must be retained for maintenance of the watercourse."

ADC Environmental Health - "No EH comment."

Comments on Consultation responses:

Natural England's response only takes account of the impact on the Pagham Harbour SSSI. However, the site itself is part of a working farm and is covered in bare earth suggesting that it has been ploughed in the past. It is not considered to be wildlife habitat and it is therefore not considered necessary to provide a phase 1 habitat survey.

The Council's Historic Buildings Adviser was asked whether he thought there might be an impact on the listed building but did not consider that there would be given the distances and the presence of other buildings in between.

POLICY CONTEXT

Designations applicable to site:

Outside the Built-Up Area Boundary;
No Public Sewer; and
Flood Zones 2/3.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN3](#)
[GEN7](#)
[GEN9](#)
[GEN10](#)
[GEN21](#)
[GEN29](#)

[GEN33](#)

Protection of the Countryside
The Form of New Development
Foul and Surface Water Drainage
Tidal Flooding and Coastal Defence
Renewable Energy
Nature and Conservation Across the District
Light Pollution

[Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections \(February 2014\):](#)

C SP1 Countryside
D DM1 Aspects of Form and Quality
ECC DM1 Renewable Energy
QE DM2 Light Pollution
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

PDS

Pagham Parish Council's Village Design Statement by PaghamPC

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established

character of the surrounding 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

PRINCIPLE OF DEVELOPMENT

The proposed development will generate 100KW of electricity from solar energy which is a renewable source. Energy production from solar arrays emits no pollution, produces no greenhouse gases and uses no finite fossil-fuel resources. The increased production of energy from solar panels 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 of the NPPF, 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 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 site is located in a rural area and aside from the farm complex to the east, is remote from any significant existing development. Therefore, it is not considered that there will be any impacts on the built environment. The proposal is not considered to affect the amenity of any of the occupiers of the nearby caravans and subject to the site being fenced off, it is not considered that there will be any impact on public safety.

With regard to need, both the NPPF and the (National) Planning Practice Guidance were published more recently than the adopted Local Plan and therefore the policies contained within these are afforded greater weight than the Local Plan Policies. The NPPF is clear that applicants no longer have to demonstrate the need for renewable energy developments whilst the Practice Guidance emphasises that there is an intrinsic need for renewable energy.

Policy ECC DM1 "Renewable Energy" of the Publication Version of the (emerging) Arun Local Plan essentially updates Policy GEN21. It sets out a number of criteria which proposals must

comply with. These include the following issues: landscape impact, wildlife habitat impact, impact on the historic environment, impact on residential amenity, opportunities for environmental enhancement, benefits to the community, integration with existing/new developments and connection to either the electricity distribution network or an appropriate energy storage facility (and that the connection itself is not itself detrimental). The majority of these issues will be discussed in the later sections of this report. However, it is clear that this small scale solar farm is well integrated with the existing farm complex and that it will benefit the operation of the farm. Furthermore, the connection will be to the existing farm and so this aspect will not have any adverse impacts.

Saved policy GEN3 seeks to focus development within the built-up areas, and safeguard the land outside the built up areas (referred to as the countryside for policy purposes). Recent appeals have considered that weight can be afforded to this policy as they are compliant with the core planning principles set out in Paragraph 17 of the NPPF. However, Policy GEN3 of the Local Plan does not specifically preclude development in the countryside and allows it should they meet one of five criteria. These are:

- it is necessary for agriculture, forestry, minerals extraction or waste deposit;
- for quiet, informal recreational use;
- diversification of the rural economy;
- relates to an essential road scheme;
- it accords with the Area Policies and those that relate to Specific Types or Forms of Development in Sections 2 and 3 of the Local Plan.

It is considered that the proposed development complies with policy GEN3 by making a direct contribution to the diversification of the rural economy. It is therefore considered that the principle of development in this rural location is acceptable, subject to other detailed planning considerations.

A recent Solar Strategy published by the Department of Energy and Climate Change in April 2014 ("UK Solar PV Strategy") favours mid-sized PV schemes sited on commercial buildings and seeks to move solar farms away from high value agricultural land to lower quality land or brownfield sites. It is not considered that this site is high quality agricultural land and whilst it is greenfield, it is an underused part of an existing working farm which is located between a farm track and a caravan park. The surrounding landscape is not protected and it is the site's existing landscaping and topography help to ensure that there will be no impact on external viewpoints. The solar farm is also required to be located adjacent to the farm in order to allow for the electricity generated to be used to supply the farm.

LANDSCAPE CONSIDERATIONS

The proposed development would introduce a built form within the countryside. However, the application site is located adjacent to the farm complex and to a caravan park. This is not an undeveloped area of land within open countryside. The site itself is part screened from the North and West by existing tree planting and to the south due to the change in levels and adjacent caravans. To the east, there is an open boundary but the farm buildings mask any external views of the site. The Council's Landscape Officer has assessed the application and considers it to be generally acceptable. New landscaping is recommended but only to aid in the settlement of the proposal into its surroundings and to enhance the biodiversity of the site. Accordingly a

landscaping condition forms part of the recommendation at the end of this report.

LOSS OF AGRICULTURAL LAND

The Local Plan was adopted in 2003 and covers the period to 2011. Whilst the majority of policies have been saved, Policy Area 12, which relates directly to the protection of agricultural land, expired in September 2007. It is intended to be replaced with Policy DM1 (Soils) in the Draft Local Plan 2013. This policy requires that all applications on Best and Most Versatile land which involve 'permanent loss' of 1 hectare or more are to be accompanied by a report on agricultural land. This site is only 0.27 hectares and so this requirement does not apply. Furthermore, it is not considered that the solar farm is a permanent fixture as it can be reversed and the soil returned to its original state.

BIODIVERSITY

The submission does not include an ecological appraisal. However, having regard to the small size and the appearance of the site, it is not considered that it will likely be home to any protected species. Natural England have not assessed the application on this issue but nonetheless, do not raise any objection in respect of any potential impact on the Pagham Harbour SSSI. A landscaping condition has been recommended and this will require the planting of new native hedgerow species. This will improve the biodiversity of the site area and for this reason, the proposal is considered to benefit local biodiversity. An informative will also be added to ensure that the applicant is aware of the regulations in respect of protected species.

FLOODING

The site is partly within Flood Zone 3 and therefore the application is supported by a Flood Risk Assessment (FRA). The site is only at risk from tidal flooding. No significant changes will be made to the site's permeability characteristics and the existing surface water regime will be retained. The Environment Agency have assessed the application and state that the development type is 'Less Vulnerable' (as according to Table 2 of the National Planning Practice Guidance). This type of development is considered to be acceptable in Flood Zone 3.

With respect to the need for a sequential assessment, the submitted Flood Risk Assessment does not include one. However, it is considered that given the need for the solar panels to be located close to the farm in order to supply the farm with electricity, that a sequential assessment would not identify a sequentially preferable site in the immediate locality. This is accepted given the extent of the flood zone within the locality and the lack of any allocated sites within the district to accommodate renewable energy resources.

A condition will be added in respect of the Council Engineers requirements to ensure access to the adjacent watercourse.

TRAFFIC AND ACCESS

It is clear that the construction process will not be particularly lengthy. The submission suggests that only two articulated lorry deliveries will need to be made. These will be made using Bowley Lane but the farm already utilises this route to make grain deliveries. WSCC Highways initially raised an objection but upon receipt of this information, decided that the impact on Bowley Lane

would be relatively light and that there would be no adverse impact on the operation of the local highway. There is plenty of off-street parking within the farm site.

IMPACT UPON THE HISTORIC ENVIRONMENT

Section 12 of the NPPF seeks to protect historic assets so far as possible from any significant harm to the asset itself and its setting. The Planning Practice Guidance goes on to state that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. Careful consideration should also be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.

Notwithstanding that the proposal is not a 'large' solar farm, conversations were held with the Council's Historic Buildings Adviser and given the distance from the nearest listed building, it was not considered that there was any need for a formal consultation to be made. Furthermore, the County Archaeologist has not raised any objection given that the solar panel mounts will have minimal impact on the ground and that they can be removed at a later date.

CONCLUSION AND RECOMMENDATION

The application proposes the development of a small scale solar farm, with associated infrastructure and equipment, on land within the Bowley Farm complex. 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 application is not considered to have a detrimental impact on the local landscape. It is an already well screened site and the addition of hedgerow/tree planting will enhance the existing landscaping and increase the biodiversity of the site. The accompanying Flood Risk Assessment demonstrates that the proposed solar park will not increase flood risk either on the site or in the surrounding area.

There are no development plan policies which restrict the use of this site for a solar park development and there are no sensitive or other designations of relevance on the site. 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 private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation

for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans and details:

Location & Block Plan Ref 10150 PL 10 A;
Solar PV Array Setting Out Ref 10150 PL 20;
Lightway Solar Module P 1640x990 Series;
Flood Risk Assessment (by Solinium);
Aurora Details (TRIO-20.0-TL/TRIO-27.6-TL);
Park Tegra Ground Anchor Technical Specification; and
Design & Access Statement (as amended).

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 take place until a landscaping scheme including a timetable for implementation/planting and comprising of details of (a) new hedgerows (native species) to be planted on the eastern and southern boundaries; and (b) the infill of any gaps in the northern and western hedgerow/planting belts, 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 the amenity and local environment and to enhance the wildlife interest of the area in accordance with policies GEN7 and GEN29 of the Arun District Local Plan.

- 4 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of the adjacent watercourse including a 3 metre easement has been submitted and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

- 5 No development shall take place until details of appropriate fencing designed to keep people and animals out of the site has been submitted to and approved by the Local Planning Authority and the solar panels shall not operated until such fences have been erected. The fencing shall be retained and maintained in a satisfactory state thereafter.

Reason: In the interests of the safety of people and wildlife in accordance with policy GEN7 and of the Arun District Local Plan.

- 6 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.
- 7 INFORMATIVE: With regard to the landscaping condition, please have regard to the comments of the Council's Greenspace team set out in full on the Council's website.
- 8 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or West Sussex County Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.