



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2015
Application for Planning Permission
DECISION NOTICE

Application Ref: WA/34/15/PL

1 To Addressee

Mr Clarke
 Lightsource Renewable Energy Ltd
 7th Floor
 33 Holborn
 London
 EC1N 2HT

2 Site Address

Land East of Lower Farm
 Yapton Lane

3 Description of Development

Installation & operation of a solar farm & associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence & pole mounted security cameras, for the life of the solar farm. Departure from the Development plan.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to compliance with the conditions specified below.

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans: BIN-02, BIN-01 Rev7, CCTV -01, CSR-01, CB-01, DNO-01, Deer fence details, TD-01 ID-01, TC-01, TYP-P-E-3L, SITE-AUX-TRANSFORMER-01 and SB-01.

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 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site 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.

- 4 It should be noted that the adjacent watercourses running to the east of the proposed development area are shown to be at 'High' risk from surface water flooding. This to be due to the fact that the watercourse forms the topographical flow path for any surface water during periods of heavy rainfall.

Any existing surface water flow paths across the site must be maintained.

Reason: To ensure that flood risk is not increased elsewhere in accordance with paragraph 103 of the National Planning Policy Framework.

- 5 No development shall commence until details of the final locations, design and materials to be used for the panel arrays, inverters, transformers, control room, switchgear substations, CCTV and associated 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.

- 6 The planning permission hereby granted is for a period from the date of this decision until the date occurring 30 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.

- 7 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.

- 8 The existing trees/bushes/hedges around the site indicated for retention shall be retained/protected in a manner to be agreed with the Local Planning Authority before the development commences for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority. and during construction fencing should be used to ensure this area is undisturbed.

Reason: To ensure the retention of vegetation important to the visual amenity and ecological quality and for the environment of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 9 Prior to commencement of development the existing hedges shall be enhanced for bats by including a buffer strip around the hedgerows (5m in depth) details of which shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the the ecological quality of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 10 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.

- 11 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.

- 12 The development shall be carried out in full accordance with the recommended measures set out in the Preliminary Ecological Appraisal and the Supplementary Badger Annex by Wardell Armstrong, dated 27th October 2014 (ref PE10439) and reptile and great crested newts Mitigation letter from Wardell Armstrong dated 10th September 2015 (ref PE10439/001) submitted in support of the application and the Biodiversity Management plan dated November 2014.

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.

- 13 Construction Management Plan
 No development shall take place until a full Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction and decommission period. In addition to the detail submitted as part of the planning application, the Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - Swept path tracking
 - the provision of wheel washing facilities or other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
- Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of Arun District Local Plan.
- 14 Landscaping shall be carried out in accordance with the details shown on Figure 17 of the Landscape and Visual Impact Assessment Revision A dated December 2014. All planting comprised in the approved details shall be carried out in the first planting and seeding seasons prior to installation of the solar panels or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.
- 15 Construction and vehicles movements shall not take place except between the hours of:
- 8.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive
 8.00 a.m. and 1.00 p.m. on Saturday
 Not at any time on Sundays or Public Holidays
- Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.
- 16 No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
- Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

INFORMATIVE: The applicant should contact West Sussex County Council Legal Services to

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

INFORMATIVE: The eastern edge of the proposed site is shown to be within Flood Zone 3. It is suggested the developer / designer should consult and liaise with Environment Agency regarding development on this site.

INFORMATIVE: Current Ordnance Survey mapping does show ordinary watercourses running along the northern and eastern boundary of the proposed site. Ownership, maintenance responsibility and current condition should be checked for these ordinary watercourses prior to any development. Thus, reducing the risk of future flood risk. No development should take place within 5m of any watercourse.

Any works affecting a watercourse will need consent from Arun District Council.

INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.



Karl Roberts
Director Planning & Economic Regeneration

Case Officer: Mrs A Gardner

Date of Decision:

28 September 2015

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

NOTES RELATING TO PLANNING APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990
APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a Minor Commercial development) of the date of this notice, whichever period expires earlier.

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

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

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is

situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).

