

Recommendation Report for Planning Permission

REF NO: WA/34/15/PL

LOCATION: Land East of Lower Farm
Yapton Lane
Walberton

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. It is proposed to erect arrays of ground mounted solar panels, and associated equipment, on a scale that will allow for the generation of approximately 5 megawatts of power. The proposed development will be sited within a field, currently in agricultural use, to the east of Yapton Lane, just to the north of the Yapton Lane level crossing. The panels will be mounted at a maximum of 3 metres above ground level at their uppermost point. Security measures, in the form of fencing and pole mounted surveillance cameras will be installed around the site perimeter. Landscaping around the site perimeter is also proposed. The application includes Ecological Appraisals, a Flood Risk Assessment, a Statement of Community Involvement, an Agricultural Land Classification Report, a Construction, Decommissioning and Traffic Management Method Statement, a Biodiversity Management Plan, an Archaeology and Cultural Heritage Assessment, a Landscape and Visual Impact Assessment and a Design and Access Statement

SITE AREA

9.93 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Intermittent hedgerows

SITE CHARACTERISTICS

The site comprises agricultural land. The site is

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generally flat but begins to slope downwards towards the eastern end.

CHARACTER OF LOCALITY

The immediate area is rural in character with fields and open countryside extending to the north, east and south. Adjacent to the west is a field which borders Yapton Lane. The opposite side of the road is flanked by large glasshouses and other buildings which are employed in horticultural use. There surroundings are interspersed with occasional agricultural buildings and residential dwellings. A public footpath edges a nearby field, approximately 500 metres to the east of the site. The railway line and level crossing are located to the south of the site. Residential properties adjoin the farm access which will be the site access.

Further towards the horizon approximately 1.7 kilometres to the north and 1.1 kilometres to the north-east are hills which fall within the South Downs National Park. The nearest significant residential settlement is Yapton which is approximately 1.1 kilometres to the south, Walberton is 1.2km to the north west.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Walberton Parish Council

No Objection

2 standard letters of support -

- . The solar farm will power 1,500 homes with clean energy
- . new tree planting will help to filter any glimpsed views, improving habitats for wildlife
- . sheep will continue to graze within the fenced solar farm
- . the land will be managed to protect and improve biodiversity and ecological value of the site
- . will reduce reliance on the burning of fossil fuels

1 letter of objection

- . The land is Grade 1 farm land with a cereal crop yield of between 5-6 tonnes per acre, much higher than on other farmland around Arundel
- . The land must be kept for food production
- . Many areas of farmland around the five villages have been lost. It is constantly under pressure from developers or energy giants

Comments on Representations received:

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The use of land will be reversible and will still support farming, albeit grazing rather than arable production. The site does not include Grade 1 agricultural land. 29% of the site is Grade 2 with 44.5% at Subgrade 3a and 26.5% at Subgrade 3b. It is not therefore excellent for crop production, most of the site is Good. The site is part of a wider landholding of approximately 1000 acre, and the use of the site itself for a solar farm will not adversely affect the existing farm business. The development will benefit the remaining working farm by making a positive contribution to its economic viability by providing a regular diversified income stream to supplement the income derived from agriculture which varies from year to year.

CONSULTATIONS

WSSC Strategic Planning
 Environment Agency
 Ecology Advisor
 Archaeology Advisor
 Engineering Services Manager
 Engineers (Fluvial Flooding)
 Parks and Landscapes
 Environmental Health
 Ecology Advisor
 Surface Water Drainage Team
 Ecology Advisor

Consultations responses received:

Ecologist - Reptiles

As detailed within the preliminary ecological appraisal (Nov 2014) there is a moderate chance of reptiles within the site. Though some mitigation has been proposed with habitat manipulation, no surveys for reptiles have been undertaken so there is no way to determine the population size onsite and thus what suitable mitigation to be undertaken. Habitat manipulation would only be suitable on very small populations where little disturbance is taking place. Due to the protection reptiles hold the applicant will need to either have a reptile activity surveys undertaken by a suitably qualified ecologist or assume a good population of reptiles are onsite and have a full mitigation strategy for reptiles produced and submitted with the planning application prior to determination. The mitigation strategy will need to include details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works.

Great Crested Newts

As detailed within the preliminary ecological appraisal (Nov 2014) there is a potential for Great Crested Newts (GCNs) onsite. Though some mitigation has been proposed with habitat manipulation and using heras fencing, no surveys for GCNs have been undertaken so there is no way to determine the population size onsite and thus what suitable mitigation to be undertaken. Also using heras fencing would not stop the movement of the GCN onsite. Due to the protection GCNs hold within the Habitat Regulations 2010 the applicant will need to have a GCN survey undertaken by a suitably qualified ecologist. If GCNs are present have a full mitigation strategy for GCN will need to

be produced and submitted with the planning application prior to determination. The applicant should note that a Natural England Protected Species Licence will be required (if GCNs are present) prior to any works commencing onsite.

Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed, new hedgerow should be planted. Conditions should be used to ensure this

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

2nd consultation response - Mitigation for reptiles and great crested newts has been proposed within the letter from Wardell Armstrong dated 10th September 2015 (ref PE10439/001) and these can be suitably conditioned.

County Highways -Such development tends to have a limited impact on the operation of the highway once operational, with vehicle movements limited to routine maintenance visits occurring typically once every other day. However, vehicles associated with the construction of a solar park are typically large articulated vehicles and would require an access that can accommodate the turning movements, a suitably wide approach road and suitable junction/forward visibility in accordance with the road speed.

An outline 'Construction Management Plan' has been submitted alongside the application. However, additional information is sought prior to the commencement of any deliveries to the site to ensure suitable temporary access can be achieved and that appropriate mitigation is put in place. At a minimum the following information be sought,

however, the output of this work may require additional information to be sought:

- Dimensions of vehicles attending the site and the frequency of visits
- Vehicle routing to and from the site
- Swept path tracking of the largest vehicle to access the site
- Access plan setting out the achievable visibility splay and any routine maintenance required to achieve the splays
- Measures of proposed mitigation - for example, provision of banksmen to assist turning manoeuvres to and from the site, the provision of advanced warning signage and methods of controlling the need for large vehicles to pass one another at the site access and access road

It is recommended that, should permission be granted, a condition requiring a Construction Management Plan to be submitted and approved prior to commencement is secured. In addition, the Applicant will need to enter into a Section 59 Agreement with the County Council to make good any damage to the highway as a result of construction traffic. Whilst the site is set back from the highway, the LPA should ensure that the site is suitably screen in order to minimise any glint and glare for passing drivers.

Conditions should include a Construction Management Plan and an Informative relating to Section 59 of the 1980 Highways Act - Extra-ordinary Traffic.

Environmental Health - First Response. Paragraph 6.2 of the Planning, Design and Access Statement states "the proposal would present a moderate adverse visual impact on some dwellings. However these effects will reduce as mitigation measures (planting) are implemented". Request the applicant expands on this information? Specifically which dwellings would be moderately impacted, and what this adverse visual impact will be - does this refer to purely being able to see the solar farm, or does it relate to being impacted by glint and glare from the site?

2. Secondly, recommend that a condition is placed on any approval restricting construction and vehicle movements to that noted in the submitted Construction plan, that is:

8.00am - 6.00pm Mondays to Fridays

8.00am - 1.00pm Saturdays

Not at all on Sundays or Public Holidays

Second Response - No further comment. It is noted that the reference to properties along Yapton Lane does not detail specific property addresses.

Engineers - It should be demonstrated that a three metre easement for maintenance access is provided adjacent to all ditches and watercourses at the site. Please apply condition ENGD6A

County Engineers - Current surface water flood risk based on uFMfSW for 30year and 100year events: Low risk from surface water flooding.

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. Therefore, a wholesale site level rise via the spreading of excavated material should be avoided. Any excavated material kept on site should be located in areas designed and designated for that purpose.

The area of the proposed development is shown to be at 'Low risk' from ground water flooding on the current ESI maps.

Based on the same mapping the current geology is shown as 'Moderate susceptibility' to ground water flooding. This means the general geology in the area may be suitable for infiltration / soakaways. Where the intention is to dispose of surface water via infiltration / soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

The eastern edge of the proposed site is shown to be within Flood Zone 3.

It is recommended the developer / designer should consult and liaise with Environment Agency regarding development on this site.

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.

There are no records of historic flooding within the confines of the proposed site or within the close vicinity of the site or adjacent highway. This should not be taken that this site has never

suffered from flooding, only that it has never been reported to the LLFA.

The adjacent road, Yapton Lane, has a positive highway drainage system.

Future development - Sustainable Drainage Systems (SuDs) seek to mimic natural drainage systems and retain water on or near to the site, when rain falls, in contrast to traditional drainage approaches, which tend to pipe water off site as quickly as possible.

SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity. The range of SuDs techniques available means that a SuDs approach in some form will be applicable to almost any development.

Government policy set out in paragraph 103 of the NPPF expects LPAs to give priority to the use of SuDs in determining planning applications. Further support for SuDs is set out in chapter 5 of the flood risk Practice Guide.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDs approach beginning with infiltration where possible e.g. soakaways or infiltration trenches.

Where SuDs are used, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.

Provision for long-term maintenance should be provided as part of any SuDs scheme submitted to the LPA.

Environment Agency - No Objection. Accept the conclusions highlighted in the Flood Risk Assessment undertaken by Wardell Armstrong dated November 2014. Pleased to see that the land beneath the solar panels will be utilised and maintained to a good condition so as to facilitate infiltration and reduce runoff. Also, with the panels raised off the ground at 0.8m on posts this will also allow for any necessary floodplain compensation.

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

The existing hedgerow in the north/east corner and along the eastern and southern boundaries are established, mature in places. These areas must be protected and retained and would only require to infill sections along the northern, southern and western boundaries where there are gaps and missing sections. This is particularly required to the north and west of the site. The new areas of hedgerow planting are shown plotted in plan form showing the location of these

with quantities proposed.

The screening proposed provides a good mix of native species which if planted at the proposed density should establish quickly to form a balanced and appropriate planting scheme. This will be particularly evident as it matures and the effects on the landscape of the development will diminish over time. A more immediate impact scheme would be achieved with the inclusion of additional feathered trees to the southern, western boundaries and north/west corner which are relatively sparse and would benefit from planting stock of a greater size at time of planting. The nature of the predominant site will change from agricultural to managed 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.

The proposals comply with Policy SP3 on the countryside as consideration has been given to landscape and biodiversity enhancement through retention of existing hedgerows and the planting

of new mixed hedgerow along the boundary of the site.

No objection to the proposals subject to the early implementation of new planted areas.

Archaeologist - The Archaeology and Cultural Heritage Assessment submitted by the developer has established that the site has the potential to contain archaeological remains of interest and that measures to mitigate impact on these would be best implemented following a planning condition. I agree, and therefore recommend the attachment of standard condition ARC1 (Archaeology-Archaeological investigation).

Comments on Consultation responses:

- comments noted. The clarification requested by the Environmental Health regarding the position of properties referred to in Yapton Lane has been submitted by the agent.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN21
GEN3

Publication Version of the Local
Plan (October 2014):

Renewable Energy
Protection of the Countryside
C SP1 Countryside
D DM1 Aspects of Form and Design
Quality
D SP1 Design
ECC DM1 Renewable Energy
ENV DM3 Non Designated Sites
ENV DM5 Development and Biodiversity

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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.

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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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. Walberton does not have an adopted Neighbourhood Plan

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 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

PROPOSAL

The proposed development comprises the installation of a number of rows of solar arrays, which are supported at intervals by posts driven vertically into the ground.

The solar panels are proposed to be laid out to maximise the production of electricity with the panels being angled and oriented in a landscape view to optimise their exposure to direct sunlight. The proposed arrays are to be kept well away from the boundaries of the site to ensure that surrounding vegetation does not cast shadow over panels.

The proposed panels will measure approximately 2.4 metres in height, with the lower edge (that closest to the ground) being approximately 0.8m above ground level. The panels are fixed and will not track the sun by motors. The solar panels are designed with an expected lifetime of 30 years, and can be removed and the soil restored to its original condition after they have become obsolete. The application also proposes a substation measuring approximately 6.6m x 2.4m, a communications building 3.6m by 3m and various other single storey buildings which will be located in along the northern and southern site boundaries. A proposed 2m high deer fence will be located around the perimeter of the site.

PRINCIPLE

The site lies in a countryside location outside of the Built-up boundary where the principle of development is considered unacceptable. Development Plan policies seek to exert a strict control over new development in the countryside to protect it for its own sake. Development will only be permitted in exceptional circumstances or where there is a strong justification for a countryside location. The Government's planning advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced.

Saved policy GEN3 seek 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 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.

In this instance, on the basis of aims and objectives contained within the National Planning Policy Framework (NPPF), the recently issued (July 2013) Planning practice guidance for renewable and low carbon energy, and the draft Arun District Local Plan, it is considered that the proposed scheme represents a valid exception to the restriction imposed on rural development within the district. The reasons for arriving at this conclusion are set out below.

RENEWABLE ENERGY

The proposed development will generate 5 MW of electricity from solar energy which is a renewable source. Producing electricity with PV emits no pollution, produces no greenhouse gases and uses no finite fossil-fuel resources. The increased production of energy from solar PV 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 are protected and enhanced (paragraph 109) which is not the case on the application site.

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, remote from any significant existing development therefore, there will be no impacts on the built environment. The applicants have submitted a Biodiversity Survey and Report that shows that the scheme has no harmful effects on biodiversity or on the amenities of the occupiers of nearby residential properties. The Council's ecologist has raised no objection on these grounds.

The NPPF and the 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.

The need for an expanse in sources of renewable energy is recognised as being crucial in realising the aims and objectives of the 2008 Climate Change Act which requires carbon emissions to be reduced, from 1990 levels, by 26% by 2020 and by 80% from the baseline by 2050.

Para 17 of the National Planning Policy Framework (NPPF) maintains that encouraging the use of renewable resources, such as through the development of renewable energy, represents an overarching core planning principle. Para 98 goes on to state that applications for development relating to renewable energy should be approved if impact are, or can be made, acceptable. Potential impacts of the proposed scheme are discussed later in this report.

Arun District Local Plan (2003): The site is located on the upper coastal plain. Arun District Local Plan Policy GEN21 instructs that large renewable energy projects should be located on the coastal

plain and any incursion within the South Downs or any coastal strategic gaps is unlikely to be acceptable. The siting of the proposal satisfies this requirement.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this would be a material consideration in the determination of any forthcoming application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

Policy DM21 of the emerging plan relates specifically to development involving renewable energy. This policy informs that the Council will support renewable energy development that is located and designed to minimise impacts (including cumulative impact), takes into account the Council's landscape assessment and landscape sensitivity studies, will demonstrate potential benefits to host communities and identify opportunities for environmental enhancement and will demonstrate a suitable connection to the electricity distribution network.

Three solar farms have recently been granted permission within the district under applications Y/87/13, BE/63/14/PL and LU/385/14/PL. The approved development at Y/87/13/ is located approximately 3.2 km to the south-west of the proposed location. Any potential cumulative impact of the proposed development with that permitted under Y/87/13 should be assessed. This will be expanded upon within the section of this report entitled landscape.

RESIDENTIAL AMENITY

The nearest neighbouring residential properties are Lower Farm Cottages and Flint Cottage which are approximately 130 metres and 150 metres to the west of the site respectively. In this case, it is considered that the impacts of the proposal upon the amenities of residents of these neighbouring properties would be minimised by the distances maintained and the proposed landscaping/screening.

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 DM10 (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 to be accompanied by a report on agricultural land.

It is considered that as the solar farm is not a permanent fixture and can be reversed and the soil returned to its original state, that Policy DM10 does not apply to schemes that propose temporary development on grade 1, 2 and 3a land. Policy DM10 has yet to be subject to Examination and therefore carries little weight in the determination of this planning application. Instead, the case should be considered against the requirements of paragraph 112 of the Framework.

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 have set out that the application site makes up a very small portion of the

overall best and most versatile farmland in the West Sussex Coastal Plain area. Arun is considered to have a relatively high proportion of best and most versatile land and the loss would not represent a significant loss in the context of the District as a whole.

It has been demonstrated that the proposed site consists of a mix of grade 2 and 3 agricultural land. The proposal is considered to be a temporary use which will not result in the permanent loss, or damage to, high grade agricultural land and it is also considered that the solar farm will provide a significant environmental impact by facilitating a reduction in carbon emissions as required by the 2008 Climate Change Act. It is also noted that the Council have set a precedent in allowing two solar farms, under applications Y/87/13/ and BE/63/14/PL, on high grade agricultural land.

The applicants also proffer that the site could also be used for the grazing of small livestock to maintain the grassland around the arrays. The livestock would be grazed around the whole site, including under the arrays, to provide dual use of the land for agricultural and solar energy production. As such the land would not be completely lost from productive agriculture.

The applicant's planning statement notes that permission for the solar park is sought on a temporary basis for a period of 30 years, after which time the solar arrays, associated equipment and fencing will be removed and the land returned to solely agricultural use. They consider a planning condition to require the site's restoration after this period is acceptable.

It is concluded that while the proposal would involve the agricultural land from tillage use over its lifetime, that the field could be returned to its original state after the lifetime of the development.

The field can be grazed by small animals during the duration of this period. The District has a large supply of productive land, and the proposal is for a farm diversification scheme which would support the viability of the farm.

In these circumstances it is considered that the proposed solar farm would be acceptable.

BIODIVERSITY CONSIDERATIONS

A Biodiversity Management Plan and Preliminary Ecological Appraisal have been submitted in support of this application. The site has been managed under intensive agricultural use, with the result that other than the hedgerows and ditches the majority of the site is of low ecological value. The proposed development includes the following ecological enhancements:

- The planting of gaps in existing hedgerow gaps and the creation of a new species-rich hedgerow along the site boundaries will provide habitat enhancements for a range of wildlife;
- The creation of a wildlife protection zone around the perimeter of the construction zone/field boundaries will create a rough species-rich grassland habitat;
- A change of use from arable cultivation and conversion to grassland will potentially increase the value of the application site to wildlife;
- The cessation of the application of artificial fertilisers and pesticides will reduce run-off and subsequent pollution of drainage ditches as well as improve the biodiversity of habitats and suitability for wildlife;
- Compliance with the management plan will ensure the habitats are retained and enhanced.

The Council's Ecologist has assessed the application and raised no objection subject to the inclusion of a condition to secure the proposed ecological enhancements.

The Planning practice for renewable and low carbon energy (2013) para 27 states that a proposal involving greenfield land, of which this submission is an example, should allow for continued agricultural use and/or encourage biodiversity improvements around arrays. The development allows for increased biodiversity by way of the planting of native hedgerow to act as screening to

the development. The site will not cease agricultural use since it will be used for sheep grazing. The additional planting will also improve the biodiversity of the area and habitat provision. The proposal therefore accords with this criteria.

LANDSCAPE CONSIDERATIONS

Planning policies and Central Government advice emphasise that the conservation of the natural beauty of the landscape and countryside should be given great weight in development control decisions. The Arun Landscape Study (2006) describes the prevalent character of the landscape within the immediate surrounding area as large scale enclosed farmland, this area is not recognised as having any special landscape value although the overall rurality of the surrounding area is a feature which must be protected. The Planning practice guidance for renewable and low carbon energy (para. 26) states that large scale solar farms can have a negative impact on the rural environment, particularly in very undulating surfaces. However, it goes on to say that visual impact can be properly addressed within the landscape if well planned and well screened and para. 28 goes maintains that, with effective screening, the zone of visual influence of a solar farm can be effectively zero.

The proposed development would introduce new buildings, tall fencing, and solar panels into an area of countryside which is currently undeveloped. As a result, it would inevitably have a significant impact particularly on local views.

The applicant's have submitted a Landscape and Visual Impact Assessment (LVIA) which has been assessed by the Council's Greenspace Officer.

The LVIA identifies that "the main landscape effects include temporary site access for construction, temporary compound and construction area, the construction of the solar farm and panel installation, the associated buildings, grid connection via a substation, site access, security fencing and hedgerow tree planting.

It is felt that the development has an acceptable visual impact due to the topography of the surrounding area, which is predominantly flat, the modest height of the mounted panels and the fact that the field is set back away from roads and footpaths. Visual impact will be further reduced through the provision of landscaping and screening.

The impact on the setting of the neighbouring National Park is not considered significant. It is physically separated by the A27 and woodland along the southern boundary of the park. The applicant's agent has demonstrated that the site has a landscape that has low susceptibility to change and is of comparatively low landscape value. It has a low flat topography and the surrounding groundcover provides containment and limits its perceptibility. This will be supplemented with additional planting which will further limit its presence in the landscape. The site also benefit from being located adjacent to existing farm buildings to the north west.

In terms of cumulative impact the site would be located approximately 3km from that approved at Bilsham Farm, Yapton (Y/87/13). This proposal is approximately half the size of that approved. It is considered that inter-visibility of the addition of this scheme with that at Bilsham Farm would be greatly limited by intervening land forms, vegetation and built form. There would therefore be no cumulative impact on the landscape character.

TRAFFIC AND ACCESS

The majority of the traffic associated with the development will occur during the construction

phase. The applicants have identified in their traffic statement that construction works will take approximately 6 - 8 weeks and in total will generate circa 150 HGV movements comprising delivery of all equipment and materials to the site. Once operational the applicants have stated that there will be minimal on-site activity. There will be regular (envisaged monthly) access to the array for maintenance works.

Vehicular access will be via the existing farm access which is located off Yapton Lane, Access to the panels themselves will be available between the arrays.

West Sussex County Highways have no objection to the proposal. During its operation, the proposed development will not result in any discernible increase in traffic on surrounding roads. The proposal is therefore in conformity with policy

CONCLUSION

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 the application is approved subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (the 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 neutral 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).

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: 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.

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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.

- 17 **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.
- 18 **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.
- 19 **INFORMATIVE:** The eastern edge of the proposed site is shown to be within Flood Zone : It is suggested the developer / designer should consult and liaise with Environment Agency regarding development on this site.
- 20 **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.

- 21 **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.
- 22 **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

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immediately and contact Natural England before continuing.

