

Recommendation Report for Planning Permission

REF NO: WA/62/20/PL

LOCATION: Lower Farm
Yapton Lane
Walberton
BN18 0AS

PROPOSAL: Construction of 5 hectares of glasshouses, a service area & a reservoir on agricultural land. This site is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal on existing open arable land in a single field includes the following:

- A reservoir South of Lower Farm with a raised embankment to 3m height and 3m wide crest.
- 1 large multispans glasshouse with an overall footprint of 225m x 222m totalling 50,000m². The height to the roof gutters will be 6.0m and to the ridges 6.8m.

The main structure will comprise galvanised steel lattice beams supported by galvanised posts spaced at 8.0m x 5.0m. The structure will be clad in horticultural glass, supported in aluminium glazing bars and gutters.

- Three storage tanks would be located along the eastern edge of the southern boundary and six along the southern end of the eastern boundary, which would be some 2-3metres in elevation.

Access to the site will be through the existing private farm entrance off Yapton Lane (B2132).

- 21 car parking spaces within the site.
- 3 HGV and 3 minibus parking spaces.
- 10 covered cycle parking spaces.
- A grass track 4m in width would extend about the perimeter of the glasshouse.

The proposed use of the multispans tunnels are for the growing of long season strawberries and the site would have 15 employees.

SITE AREA 9.3 hectares

TOPOGRAPHY Predominantly flat.

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT Trees/ fencing/hedging to field boundaries.

SITE CHARACTERISTICS

A rural area to the north of Yapton Lane on an intensively farmed agricultural unit. The site is bounded to the North and East by cultivated agricultural fields and to the South by Lower Farm grain store, buildings and cottages. The western boundary runs alongside Yapton Lane (B2132). To the west and adjacent of the proposals are many existing horticultural sites. The site is substantially enclosed (except than to the north/north east)

CHARACTER OF LOCALITY

A rural area with sporadic commercial uses interspersed on farms and in agricultural buildings. Immediately to the West and adjacent to this proposed glasshouse development are many existing substantial horticultural sites.

REPRESENTATIONS

Walberton Parish Council - Support

Referring to Neighbourhood Plan policies VE2 (Horticultural) and CL1 (Local businesses).

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Landscape Officer - No Objection

The potential impact of the proposals would change the nature of the site and biodiversity opportunity would be lost. Whilst the structures would be prominent in the landscape the surrounding topography is low lying. The hedge lined Yapton Lane (B2132) would offer some screening, so too the existing farm structures. Condition requested.

Drainage Engineer - No Objection

A distance of at least 3 metres must be achieved between the top of the bank of any watercourse/ditch and any proposed structure. This appears to be not being achieved, so there will need to be some tweaking to the layout ie. the cycle shelter, tanks, etc. Conditions suggested.

County Engineer - No Objection.

Additional details required.

County Highways - No Objection

A Transport Statement (TS), Travel Plan (TP) and Design & Access Statement have been provided in support of the application. The LHA does not wish to raise transport grounds to resist the application subject to conditions. The access width and geometry appear suitable for the proposed use.

Archaeologist - No Objection

Condition requested.

Environmental Health - No Objection

Condition requested.

Ecology Officer - No Objection

The biodiversity enhancements recommended within the Preliminary Ecological Assessment (Nov 2020) are suitable and should be incorporated into the landscaping scheme. Conditions requested.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. Requested conditions have been imposed.

POLICY CONTEXT

Designation applicable to site:

Class C road

Outside Built Up Area Boundary

Right of Way

Biodiversity Opportunity Area to east

Sharp Sand and Gravel Minerals Safeguarding Area

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVSP1	ENV SP1 Natural Environment
HORDM1	HOR DM1 Horticulture
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

[Walberton Neighbourhood Plan Policy 2017 CL1](#)

Businesses

Walberton Neighbourhood Plan Policy 2017 VE2

Horticultural Development

Walberton Neighbourhood Plan Policy 2017 VE3

Protection of Trees and Hedgerows

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Walberton Neighbourhood Plan have been considered.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it is a horticultural use in a rural area which meets the requirements of policy TSP1, HOR DM1 and ENV DM3 and has no materially adverse effect on the character or visual amenities of the locality.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site is located outside the built-up area boundary on farmland and the proposed development would facilitate production of soft fruit. In principle it would therefore accord with policies CSP1 and SO DM1 of Arun Local Plan in that it constitutes diversification of the rural economy in accordance with CSP1(d) and provided it accords with policy HOR DM1 it would also meet the requirements of part (f) of the policy. It would also comply with policies CL1 and VE2 of Walberton Neighbourhood Plan since the use is horticultural in nature.

The National Planning Policy Framework under paragraph 83 states that Planning policies should "support the sustainable growth and expansion of all types of business and enterprise in rural areas...".

Therefore, the principle of the proposed development in this location is considered acceptable and will be assessed against policies HOR DM1 and D DM1 of the Arun Local Plan, relevant policies within the Walberton Neighbourhood Plan and the National Planning Policy Framework.

COMPLIANCE WITH POLICY HOR DM1 HORTICULTURE

This policy requires glasshouse development to accord with varying criteria. The proposal accords with this policy in that :

- It details of the economic benefit of the scheme to the rural economy by creating 15 full time jobs and providing a significant amount of strawberry production in the region. There will be additional benefits to the rural economy; including: new business relationships with logistics, engineering, technical, training, agronomy and many other local businesses. This completed nursery development project will make a major contribution towards food security, reduce food miles and imports.

- Pollution to soil, water or air, including cumulative effects, is within regulated acceptable limits. Irrigation drainage water from the crops will be collected in underground tanks, blended with fresh irrigation water and recycled back to the crop. This system ensures that no irrigation water or fertilisers run to waste.

The strawberry crops are not grown in the soil. They are grown in an inert growing media in a closed irrigation system with no drainage water running into the soil. No fertilisers, chemicals or contaminants will be discharged to the soil, waterways or to the air.

- There is minimal impact on health or general amenity resulting from artificial lighting on occupants of nearby residential properties and minimal impact on the appearance of the site in the landscape by the minimisation of light spillage and glare to keep the natural environment dark at night. The agent has confirmed there are no plans to use artificial lighting at any time for crop lighting. The natural environment will be kept dark at night. A condition is proposed to limit light levels.

- It is confirmed that noise levels resulting from machinery usage, vehicle movement, or other activity on the site would not be likely to unacceptably disturb occupants of nearby residential properties. The only noise will be that of vehicles loading and unloading during daylight hours for very short periods of time.

- The proposal includes details of new landscaping, screening and of any vegetation retained on site. A Landscape & Visual Impact Assessment has been submitted together with an Ecological Appraisal which includes recommendations for the protection of flora & fauna. A 5m buffer strip around some hedging is conditioned, to help to protect and enhance native flora and fauna, and to enhance the environment by carrying out the recommendations in the independent Ecological Appraisal and the Landscape Assessment. The Landscape Study includes analysis of the impact of the development on long distance views and from public rights of way close to the site. The findings of the assessment are agreed. The glasshouse and reservoir would not be viewed as isolated structures in the landscape. To the west of the Site beyond Yapton Lane are a number of substantial horticultural sites. To the east of the smaller area is a Solar Farm, whilst the railway line runs at an offset to the south of the southern field boundary, along which a tree belt extends.

For local, recreational users of Public Footpath No. 355-1, south of Oakley Cottages, there would be a perceptible glimpse of the 6.8m Glasshouse elevation viewed under the far treeline, through the broken hedgerow in the foreground. The far treeline would function visually to integrate the shape of the Glasshouse, but the consistent mass and colour of the greenhouse would introduce a perceptible, albeit minor element, with a potential Minor adverse effect on the pleasantness of the view anticipated. As the recommended hedgerow with dispersed trees matured along the ditch to the east of the site, the element would be visually broken and softened, reducing the form to a barely perceptible element.

For local, recreational users of Public Footpath No. 350-1, east of Yapton Lane, off Blacksmiths Corner, there would be a perceptible glimpse of the 6.8m Glasshouse elevation viewed under the far treeline and over the intervening broken hedgerow. The lower elevation of the site is considered to reduce the overall magnitude of change, with the latitudinal element of the existing intervening hedgerow functioning to integrate the upper roofline glimpsed beyond.

Since most planting would not be undertaken directly into the soil it is not considered necessary to submit a sustainability and options appraisals, mitigation measures, and a soil resources plan for development of the site.

The proposal is therefore compliant with this policy. Walberton Neighbourhood Plan Policy VE2: Horticultural Development identifies that: ' New glasshouse, polytunnel and associated packhouse development will be supported provided a number of criteria are met ' these criteria reflect those in policy HOR1 of the Local Plan and are satisfactorily addressed in the application.

COMPLIANCE WITH POLICY ENV DM3 BIODIVERSITY OPPORTUNITY AREA

The eastern part of the site lies in a Biodiversity Opportunity Area as defined in the Local Plan. The submitted Landscape & Visual Impact Assessment and Ecological Appraisal demonstrate that the development retains and sympathetically incorporates locally valued and important habitats, including wildlife corridors, is designed to minimise disturbance to habitats and includes opportunities for enhancement of habitats through design, layout, landscaping. Enhancements are conditioned to ensure compliance with policies ENV DM3 and ENV DM4.

Policy VE3: of Walberton Neighbourhood Plan 'Protection of Trees and Hedgerows' requires that: 'Development will be permitted where it can be demonstrated that trees and hedgerows contributing to local amenity will not be damaged or destroyed. The proposal would accord with these criteria.

DESIGN AND VISUAL AMENITY

The main structure to the glasshouse would be built using galvanised steel lattice beams supported by galvanised posts and clad in horticultural glass, supported within aluminium glazing bars and gutters. The height to the roof gutters would be 6.0m above ground level and to the ridges 6.8m. The proposed glasshouse and reservoir would be of a significant size and scale appropriate to the rural location but such development would only be acceptable if the site screening remains and is enhanced in order to protect the character of the area and public views across the landscape. A Landscape Appraisal has been submitted and a supporting landscaping plan has been submitted detailing where additional planting would be carried out which demonstrates that the open landscape character of the countryside will be protected.

Whilst the structures would be prominent in the landscape the surrounding topography is low lying. The hedge lined Yapton Lane (B2132) would offer some screening, so too the existing farm structures. The Site is substantively enclosed, (other than to the north / north east) with existing horticultural sites west of Yapton Lane and the Binsted Solar Array to the east / south east. Beyond the southern part of the field, within which the southern part of the Site is located rises a low embankment along which the Railway Line runs, beyond and about which a dense tree belt extends. A dense tree belt extends along Yapton Lane between Walberton and the north western corner of the Site, whilst more dispersed hedgerows with trees occur across the intervening landscape towards Binsted. Through reference to the visual amenity assessment, long public views across substantially open land of moderate value across would be substantively retained. It is considered that the substantively enclosed setting and separation from the built fabric of Yapton to the south, Walberton to the north west and Binsted to the north east, would respect the respective setting and historic character of these settlements. The proposal would relate well to the natural, built and historic character within the surrounding landscape. The recommended native species hedgerow along the southern edge of the southern site area, would both structurally and visually integrate the embankment, whilst maintaining glimpsed views towards the South Downs from the gappy hedgeline in places along Yapton Lane to the south of Flint Cottage.

The importance of trees and hedgerows are recognised in the Arun Design Guide which states that trees, hedgerows and planting are particularly important landscape features, having benefits in terms of ecology and biodiversity (both as important species themselves and as habitats), air quality, carbon sequestration, reducing the urban heat island effect and providing character to an area. The protection of trees needs to be carefully considered throughout all stages of the design and construction process. Landscaping and protection and provision of adequate hedging would be conditioned.

The reversibility of the proposal is noted, with no foundation to the glasshouse, other than the

vertical, structural supports, with an overlaid mytex sheet otherwise covering the ground, whilst the cut for the reservoir would be retained as the embankment, allowing subsequent reinstatement where required.

Therefore, it is considered that the proposal accords with Policy D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The site is 11m from the nearest residential dwelling on the West side of Yapton Lane and the closest dwelling to the north at Lower Farm Cottages is 32m away and the next closest is more than 200m. The railway line splits the site from the nearest residential dwelling to the south. There will be no odour emanating from the proposed nursery and the only noise will be that of vehicles loading and unloading for short periods of time. It is likely that the nearest residential properties are sufficiently sited away for there to be no unacceptable impact on their residential amenities, but to ensure lighting does not adversely impact neighbouring dwellings a condition is imposed regarding lighting levels.

As such, the proposal would not have a detrimental impact on the amenity of occupiers of adjoining residential units with regard to overlooking, overbearing impact, overshadowing and loss of light/sunlight, noise and activity levels. Therefore, based on the information submitted the proposal is considered to accord with policy D DM1 and HOR DM1 of the Arun Local Plan.

SUPPORT LOCAL BUSINESS

There is a shortage of good quality commercial premises in the District. The application form indicates 15 jobs will be provided as a result of the proposed development, this is supported by EMP DM1 of the Arun Local Plan.

HIGHWAY SAFETY

It is proposed that the existing farm road access will be utilised along with new hardstanding areas within the site. The proposed horticultural nursery use growing, harvesting and packing of strawberries would be operational from April to October each year. The existing access with Yapton Road (B2132) will be used. This serves a 3.5m wide access track currently used by HGV's, tractors etc.

The existing use as arable field with cultivation, spraying and harvesting visits, tractor/trailer visits during harvest season and HGV grain collections twice per week (Sep & Oct) is considered a negligible amount of existing trips to and from the site. A total of 40 x vehicle movements at the existing site access is anticipated. Additionally, up to 6 x HGV trips may be generated per day. As per WSCC Road Safety Audit (RSA) policy, an RSA would not be required as the existing access is not anticipated to see an intensification in use of more than 50 vehicle movements per day over the existing use.

The information submitted including a Transport Statement satisfactorily demonstrates that use of the site can be undertaken without adversely impacting on highway safety. The proposal therefore now accords with policy T SP1 of Arun Local Plan.

DRAINAGE

Policies WDM2 and WDM3 of the Local Plan refer to flood risk and surface water management in new development which should aim to reduce the overall level of flood risk in the area.

The proposal is supported by a Flood Risk Assessment which identifies the site as falling within Flood

Zone 1 and is not at risk of flooding from rivers or the sea other than a 1:1,000 year flood event.

It is proposed rainwater from the glasshouse roof will be collected and discharged to the irrigation reservoir via a symphonic drainage system and under normal circumstances will provide 100% rainwater recycling for irrigation. Surface water runoff from the service yard and car parking area will be collected within a voided subbase and filter trench beneath a permeable surface which will provide treatment prior to being discharged by gravity to the reservoir. The reservoir will be sized with sufficient storage beyond the normal irrigation requirement to accommodate a 1:100 year storm event including an additional 40% to account for the predicted effects of future climate change.

There is no comment from Environment Agency and Engineers have no objection in principle provided appropriate conditions are imposed. In terms of flood risk planning the proposed development is safe, will not increase flood risk elsewhere and will provide improvement to immediately adjacent sites by managing surface water from all rainfall events up to the 100 year plus climate change event. The proposal is therefore compliant with policy W DM2 of Arun Local Plan.

ARCHAEOLOGY

An Archaeology Survey has been submitted which establishes the presence or absence of archaeological remains that may be vulnerable to groundworks associated with the proposed new development and assesses their potential significance and the extent to which construction works are likely to affect them. The Council's archaeologist has been consulted and an appropriate condition has been imposed. The proposal would comply with the requirements of policy HER DM6 of Arun Local Plan which requires that in all instances applicants must arrange for a desk based archaeological assessment.

SUMMARY

It is recommended that the planning application is approved subject to the following conditions.

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:
Location Plan PA21 revP01
Block Plan PA22 revP01
Triple Bay Elevations and Lagoon Bund Profile PA32 revP01
Elevations PA31 revP01

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

- 3 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And 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. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 5 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of

financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 6 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development and shall incorporate the biodiversity enhancements recommended within the submitted Preliminary Ecological Assessment (Nov 2020). The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of 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 D DM1 of the Arun Local Plan.

- 7 No development shall commence until a 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 period. 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,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan.

- 8 Prior to the use commencing ecological enhancements shall be made to the scheme in accordance with details to be submitted to and approved by the Local Planning Authority, which shall include the following :
- provision of a 5m buffer strip around the hedgerows used by bats and during construction fencing should be used to ensure this area is undisturbed
 - Any trees removed should be replace at a ratio of 2:1
 - Wildflower meadow planting used
 - Filling any gaps in tree lines or hedgerows with native species

- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- Hedgehog nesting box

Reason: To protect and enhance native flora and fauna in accordance with policies ENV DM3 and ENV DM5 of Arun Local Plan .

9 Lighting levels from the site shall not exceed 10 lux/1000 lumens.

Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2 and D DM1.

10 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

11 Upon the first occupation/commencement of use, the Applicant shall implement the measures incorporated within the approved travel plan statement. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport.

12 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

13 No development shall take place 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: To identify deposits meriting preservation through further investigation, recording and dissemination of the results, and evaluation.

14 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of Arun Local Plan.

15 The development shall proceed in accordance with the reptile mitigation outlined in the submitted Preliminary Ecological Assessment (Nov 2020).

Reason: To protect and enhance native flora and fauna in accordance with policies ENV DM3 and ENV DM5 of Arun Local Plan .

16 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

all previous uses potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 17 Prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 18 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 19 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works (give way lining of existing access). The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake

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any works within the highway prior to the agreement being in place.

INFORMATIVE: Given the proximity to the railway line you are advised to contact Network Rail strongly recommends the developer contacts AssetProtectionLondonSouthEast@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

As well as contacting the Asset Protection Team the developer must ensure that their proposal, both during construction and after completion of works on site, does not:

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

Drainage

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

Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer,

the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence

on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection

presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No

structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works.

Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

- 21 INFORMATIVE: Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.
- 22 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 23 INFORMATIVE: 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.