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[REDACTED]

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF
(via planning portal only)

[REDACTED]

8 November 2018

Dear Sir/Madam,

Bilsham Solar Farm, land to the south-west of Drove Lane Farm, Yapton

Application for planning permission for solar farm and associated development without complying with Condition 4 of planning permission Y/87/13/ (to extend the operation of the solar farm from 25 to 40 years)

Introduction

Please find enclosed (via the Planning Portal) an application for planning permission (the Application) for “solar farm and associated development (without complying with Condition 4 of planning permission Y/87/13/)” (the Proposals).

The Application is submitted under Section 73 (S.73) of the Town and Country Planning Act 1990 (the Act). In effect, the Application is to amend Condition 4 and allow the solar farm permitted by planning permission Y/87/13/ (the Planning Permission) to operate for 40 years instead of 25. Amending the start of this period from the commencement of construction to the first export of electricity ensures 40 full years of operation. The change is considered a minor-material amendment and in line with planning policy and guidance.

Condition 4 currently reads:

The planning permission hereby granted is for a period from the date of this decision until the date occurring 25 years after the date of commencement of the development hereby permitted. Written notification of the date of commencement shall be given to the Local Planning Authority no later than 14 days after the event

It is requested that this is amended to read:

The planning permission hereby granted is for a period of 40 years of operation starting from the date of the first export of electricity (5 November 2014)

A key aspect of the Proposals is their temporary nature, through reinstatement of the Site at the end of operation. The Planning Permission has been reviewed and it is considered that no other changes to its conditions are required to ensure reinstatement. Crucially for a solar farm, the landscape management

proposals approved under condition 10 are not time limited, with ongoing requirements on an annual basis for the duration of the planning permission. This would therefore apply to an extended operational timescale.

No other changes are proposed as part of this application although the opportunity to discuss the conditions would be welcomed, to ensure they reflect the information approved to date when discharging the conditions of the Planning Permission. This would result in a decision notice which reflects all the information approved to date under condition discharge and non-material amendment applications, simplifying any future matters for all parties.

This letter sets out the background and justification for the proposed change in planning policy terms.

EIA Screening Requirements

Please take this as a formal request for an EIA Screening Opinion under Section 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Arun District Council (the Council) can adopt this in the course of determining the Application.

S.73 (2) of the Act is clear that “the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted”. In this case, the only question (in terms of both the Application and therefore this associated Screening Request) relates to the extension of the permitted time period for operating the solar farm.

Otherwise, the potential for significant effects has already been considered by the EIA screening process for the Planning Permission. An EIA Screening Opinion adopted by the Council on 31 July 2013 confirmed that an Environmental Statement did not need to accompany the planning application. Environmental effects were then considered in more detail during the determination of the Planning Permission.

The Proposals are the same as approved by the Planning Permission, other than operating for 40 years rather than 25 years. The baseline on the Site and its surroundings is considered broadly similar. The EIA screening process established that the effects were not likely to be significant, and the grant of the Planning Permission confirmed that effects were not unacceptable (further corroborating that they are not significant).

Whilst the extension of the time of the operation of the Proposals from 25 to 40 years will result in effects which are longer in duration, they remain the same in nature and will also remain temporary.

Furthermore, it is considered that the effects are likely to be well understood, are not complex, will be low in intensity and will not directly affect sensitive areas or designations. The probability, onset, duration and frequency of effects are likely to be accurately determined. The Proposals are fully reversible and the Site will be restored to its current condition. No significant transboundary effects are anticipated and no significant cumulative effects are anticipated.

Overall, it is considered that the longer operational timescale will not result in the Proposals now having significant effects on the environment and the Application does not need to be accompanied by an Environmental Statement. This is based on the comments made above (especially with regards to the lack of changes between the planning application and the Planning Permission other than duration), the previous screening process outcome and the conclusions formed during the approval of the Planning Permission.

I trust the Council agree that the proposed changes will not result in significant effects on the environment and look forward to receiving the Screening Opinion.

Planning Assessment

In effect, permission is being sought through S.73 of the Act to operate the solar farm for 40 years rather than 25. This is on the basis that this is a minor-material amendment and the proposed change complies with

planning policy and guidance. A new planning permission, linked to the Planning Permission (which remains in place) is applied for. This would not comply with Condition 4 of the Planning Permission but would be subject to its own conditions, as addressed in *Decision Notice and Conditions* below.

Further financial support has been removed for solar farms, with a view to future solar farms / time extensions of operating solar farms being subsidy free. Furthermore, there is no sign that subsidies will be made available for new/time extended existing solar farms in the future due to the lack of inclusion of solar farms in the Contract for Difference regime. It is highly unlikely that subsidies will be reintroduced, based on the progress being made towards subsidy free solar making a substantial contribution to the overall energy supply mix.

However, the UK Government's Clean Growth Strategy (the CGS), published in October 2017 (and amended slightly in April 2018), supports subsidy free solar, stating that the Government wants "to see more people investing in solar without government support". Solar power is also the public's most popular form of renewable energy generation

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/702640/Wave_25_Summary_Report.pdf - see Page 5 "Renewable Energy").

The CGS states that the country's ambition is "a diverse electricity system that supplies our homes and businesses with secure, affordable and clean power. That means developing low carbon sources of electricity that are both cheap and clean". Overall and at the national policy level, there is clear support for subsidy free solar farms, which will make a valuable contribution to tackling climate change now and in the future.

The subsequently revised NPPF (2018) is in line with this and generally reflects the support in principle as well as policy for renewable energy developments which its predecessor set out. The Arun Local Plan 2011-2031 (adopted 18 July 2018) reflects the policy in the previous NPPF in terms of renewables and solar farms, so is generally in line with the most recent NPPF and the elements of the Planning Practice Guidance (PPG) which relate to solar, as these both remain unchanged.

More recently, the importance of this was made clear again by the most recent reporting from the Intergovernmental Panel on Climate Change (IPCC). "Global Warming of 1.5 °C" (6 October 2018) makes it clear, with "high confidence", that limiting global warming to 1.5 °C will require "rapid and far-reaching transition in energy, land, urban and infrastructure". A "significant upscaling of investment in those options" is required.

As such, it is considered that, between the time of the approval of the Planning Permission and now, there is no reduction in support in principle in the relevant policy. Rather, policy supports subsidy free solar as a key component of the long-term mix of electricity supply.

This is also specifically reflected by Local Plan Policy SD SP1 which reflects the presumption in favour of sustainable development and the support for renewable energy in Policy ECC DM1.

With this public and policy support in mind, planning applications are now being submitted for subsidy free time extensions of operational subsidised sites. The increase in the lifespan of panels, improvement in their maintenance and care, decreased degradation rates and the decrease in their cost is also supportive of subsidy free deployment/extensions, and planning applications/amendments for subsidy free schemes/extensions reflect this.

The proposed change to the Planning Permission would allow it to make an even more valuable contribution to the country's legally binding climate change targets. During the extra 15 years of operation, the Proposals will power the equivalent of c. 87,000 homes and offset c. 142,000 tonnes of CO₂. The additional lifespan of the solar farm will therefore make a valuable and substantial contribution to the country's energy security and climate change targets. Economic diversification benefits for the farm business are also improved, as are the biodiversity enhancements which are a key part of the development. These are considered to be substantial

benefits, in line with national policy, which must be weighed against the limited additional harm of the longer operation of the Proposals.

It is considered that the following impacts of the Proposals will remain the same or will not be materially increased:

- Access, traffic and transport during construction and decommissioning
- Operational transport as visit rates will remain low over time
- Flood risk and drainage
- Ecology impacts (there will be longer lasting biodiversity enhancements)
- Land use and farming practices
- Archaeology

It is also considered that had planning permission been sought for an operational period of 40 years originally, this would have been approved, as the outcomes of the relevant assessments would have been largely the same, so the increased benefits would have even more clearly outweighed the impacts of the development.

Based on the above, it is considered that Policy ECC DM1 is complied with as there are substantial benefits which clearly outweigh the limited additional harm (solely as a result of increased operational lifespan) of the solar farm.

It is also noted that continued environmental stewardship and biodiversity enhancements over a longer period tie in with the environmental policies and aspirations of the Yapton Neighbourhood Plan.

Whilst there is no statutory definition of a minor material amendment, Paragraph 17 of “Flexible options for planning permissions” in the PPG states that “any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved” is likely to be a minor-material amendment. In this case, the scale and nature of the Proposals remains unchanged, so the change is considered minor-material in nature. The proposed change to 40 years of operation does not result in any changes in effect which are greater than minor-material in nature.

In summary, the Proposals address the need to transition to a renewable energy focussed electricity supply, including subsidy free solar. The only change in effect is the extension of time period of operation. This is considered minor-material in nature, and the Proposals otherwise comply with planning policy and guidance.

Decision Notice and Conditions

Should the Council approve the Application, it is considered that the conditions from the Planning Permission should be used to form the basis of the new conditions. The precise wording of these would reflect the information approved under conditions 3, 7, 10 and 12 as well as any NMA(s). It is considered that condition 11 could be removed.

The opportunity to discuss the relationship between the Application and the Planning Permission, including conditions, would be welcomed.

Conclusion

To conclude, it is considered that operation of the solar farm for 40 years rather than 25 is a minor-material amendment. This is because, in line with Paragraph 17 of “Flexible options for planning permissions” in the PPG, the “scale” and “nature” of the Proposals does not result in a development which is substantially different from the one which has been approved.

The proposed change is to allow the farm to continue to operate following the initial 25 years and continue to make a valuable contribution to the country’s legally binding climate change targets. This is in line with policy

and guidance, including the support in the recently published UK Government's Clean Growth Strategy, as well as the NPPF and the Development Plan. These support subsidy free solar and recognise the key role it can play in tackling climate change and meeting the legally binding targets in the Climate Change Act.

I trust the above is clear and you agree that the Proposals comply with planning policy and guidance. I look forward to discussing the Application in due course.

Yours faithfully,

