

Recommendation Report for Planning Permission

REF NO: Y/87/13/

LOCATION: Land Southwest of Drove Lane Farm
Yapton

PROPOSAL: Installation of solar farm comprising erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks & ancillary equipment. Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed development involves the installation and operation of a solar park with associated infrastructure and equipment on Bilsham Farm, off Drove Lane, Yapton. The solar farm will have an installed capacity of approximately 14.5MW. The solar farm comprises the erection of solar arrays, transformers, and equipment housing, security fencing and ancillary equipment. The application also proposes new boundary landscaping and ecological enhancement measures.
SITE AREA	36.5 hectares
RESIDENTIAL DEVELOPMENT DEN	n/a
TOPOGRAPHY	The site is wholly flat.
TREES	No trees are affected by the proposals.
BOUNDARY TREATMENT	The site is surrounded by hedgerows, ditches and the watercourses of Ryebank and Lidsey Rife.
SITE CHARACTERISTICS	The site comprises an arable field that is traversed by three drainage ditches and an access track. There is a stone barn centrally located within the site. The site is currently used for agricultural purposes, primarily for tillage.
CHARACTER OF LOCALITY	The site is located in a rural area and accessed via an unmade farm access track. There is very little evidence of build development in the area apart from the farm buildings of Drove Farm. There are two public rights of way running along the north and south perimeters of the site which are rural in character and predominantly used for leisure purposes.

RELEVANT SITE HISTORY

There is no planning history on the site.

REPRESENTATIONS

Representations received:

Yapton Parish Council

Object:

Whilst recognising the need for renewable energy, considered that the siting of a solar farm on agricultural land off Drove Lane was undesirable and inappropriate and accordingly objected to the application on the following grounds:

- i) The application is a departure from the Development Plan;
- ii) The proposed development is on agricultural land which is currently under cultivation and should be protected as such from development;
- iii) There is concern about the siting of the development on land which is prone to flooding thereby increasing the need for maintenance of the plant with the resultant difficulties of maintaining access along the public footpath at all times.

6 Letters of Support:

- Development will not leave the land polluted, soiled or scared unlike many other forms of power generation.
- Encourage the development of clean energy sources, solar in particular to see clearly the potential of the technology.
- Have to reduce carbon emissions, transition to this should not be through further fossil fuel exploitation.
- Renewable energy success in the last decade was mainly driven by pioneering regions and counties.
- Hope Arun and WSCC have the vision to support renewable energy schemes across the area.
- Could turn many areas into green energy spaces.
- Development will not harm the environment
- To not accept the scheme would be an environmental crime
- Can be removed if a more suitable alternative with less visual impact can be provided.
- Much lower impact than fracking.
- Supports sustainable future.

4 Letters of Objection:

- Area of rough grassland along the Ryebank Rife side of the site, during winter this is used by Barn and Short-Eared owls to hunt, proposal will result in a loss of habitat.
- Stonechat and Reed bunting also use this habitat along with migrant birds such as Wheatear and Whinchat
- In the summer Grey partridge with young were seen on site, if a deer fence is built, will this affect their ability to use the site.
- Water voles are in the rife, so they and their habitat should be protected.
- Loss of valuable high grade agricultural land currently under cultivation, with a growing population makes no sense.
- Departure from the development plan, site located outside the Built-up area boundary
- Drove Lane would not be able to cope with HGVs travelling up and down it during construction phase, also has problems with flooding in bad weather
- Drove Lane will be used as a car park by vehicles servicing the site.
- Contrary to policies GEN2 and GEN3, does not meet policy exception as diversification of the countryside.
- Applicants argue that the scheme is compliant with policies GEN21 and GEN29, although

then argue that the NPPF presumption in favour should outweigh the as the development is in itself sustainable.

- The Minister of State for Energy and Climate has in a letter to LPA's clarified that solar energy should be focused around domestic and commercial roof space.
- Emphasis is also made that the need for renewable energy should not over-ride environmental protections.
- No assessment of visual impact upon the South Downs National Park, which might well be substantial

Comments on Representations received:

The various letters and representations have been noted and have informed the officer's consideration of the application.

The vast majority of the issues raised are material planning considerations and are covered in detail in the "Conclusions" section of this report.

CONSULTATIONS

Environmental Health
Engineering Services Manager
Engineers (Fluvial Flooding)
WSCC Strategic Planning
Agricultural Appraisal
Environment Agency
Natural England
Parks and Landscapes
Council's Arboriculturist
Economic Regeneration

Consultations responses received:

NATURAL ENGLAND- no objection

- Application is likely to impact on a significant amount of 'best and most versatile' agricultural land (paragraph 112 of the National Planning Policy Framework refers).
- However, the proposals would not appear to lead to the long term loss of best and most versatile land as the panel arrays would be fixed with limited soil disturbance being secured through pins in to the ground every few metres, and could be removed when planning permission expired with no likely loss of agricultural land quality.
- Planning application is for a limited period of 30 years and would expect that any planning approval would require the site to be decommissioned and restored to its former condition when planning permission expired.
- Paragraph 27 of the recently published DCLG Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013) and advise you to fully consider the best and most versatile agricultural land issues relating to this proposal in accordance with that guidance
- Refer to Natural England standing advice in regard to protected species.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS- 1st Response (19/12/2013)

- Information on transport impact is insufficient
- Solar farms tend to generate limited traffic movements once operational the location requires access for construction vehicles.
- Site access would require good visibility in both directions .
- No information has been submitted to demonstrate the safe and suitable access can be

achieved from the B2233 and whether improvements to the access points are needed. An access plan should be submitted with a Road Safety Audit.

- Information is sought on anticipated trip generation
- A condition requiring a construction management plan should be provided.

WEST SUSSEX COUNTY COUNCIL ECOLOGY- No objection

WEST SUSSEX COUNTY COUNCIL ARCHAEOLOGY- No objection

No objection subject to programme of archaeological recording (strip, map and sample) in advance of construction.

Following permission, it is recommended that provision be made by means of a planning condition for a programme of archaeological investigation and recording, to take place following removal/ clearance of any existing structures or hand standing and before the commencement of construction. This is in order that any below ground heritage assets (archaeological features) may be appropriately sampled, investigated and recorded and the findings incorporated into a written report.

In the fullness of time the report will become publicly accessible through the West Sussex Historic Environment Records and the archive deposited in a suitable local museum or repository.

ENVIRONMENT AGENCY- No objection

No objection subject to an informative being placed on the application regarding any works or installations near main rivers or ditches would require flood defence consent from the Agency.

ARUN DISTRICT COUNCIL ENGINEERING DEPARTMENT

- Infrastructure is proposed to be installed above future flood levels. A suitable maintenance strip should be set aside adjacent to all ditches on the site. Provisions for draining run off from the PV panel should be introduced to reduce erosion of the grass beneath the lower edge of the panels.

Surface runoff from the proposed development would not surpass greenfield runoff rate. Any excess should be attenuated on site.

ARUN DISTRICT COUNCIL ENVIRONMENTAL HEALTH DEPARTMENT

- No comment

WEST SUSSEX COUNTY COUNCIL RIGHTS OF WAY

- Considerable effect on the public footpath that runs along Drove Land
- This route is a made up route with the majority being concrete track and then a short section up to the proposed access into the site being made up of hardcore.
- This is at present considered suitable for vehicular use and it is stated that it may require improvement to accommodate construction traffic along this route in the design and access
- WSCC should be consulted and specifications are agreed before any works take place as we

are the highways authority and this route does carry a public footpath.

- Any damage done to this route by construction traffic must be reinstated to its original state, prior to access that may have damaged it, so pedestrian access for lawful users is not interrupted or restricted in any way.
- Any private vehicular rights of access must give precedent to the public right of access on foot as public rights do take precedent over private rights.
- Signage would also be required informing both path users and vehicular users of the dual use of this route.
- Footpath should not be restricted or blocked at any stage without a legal temporary closure order
- On Drawing No. 2563_101_REV F it is shown that footpath resurfacing is proposed for the section south, from the vehicular access into the site opposite the "existing trees", south to the Ryebank Rife. This of course would be a benefit to the existing route
- A minimum useable width of 2m to made available to accommodate the public right of pedestrian access and ideally a rolled stone surface to be laid to a specification agreed with WSCC prior to works beginning.
- The legal line is shown to run south from the access into the site on the western side of a ditch and then crosses over to the eastern side of this ditch approximately half way down toward the Ryebank Rife.
- The used route currently runs to the east of the drain along its entire length whereas the legal line should run to the west of the drain and then cross over to the east side midway south alongside the site.
- As part of this proposal we would like to see the legal line reinstated through consultation with WSCC's rights of way team. This would require a crossing point of the ditch (as shown on Drawing No. 2562_101_REV F) and the specification for any such structure, like any surfacing works, would need to be agreed with us prior to any works taking place.

Arun District Council Environmental Services Mananger - No objection

- Proposed development has the potential of having a visual impact within the proximity of the development.
- Proposal in within 2 landscape character areas the Arun Landscape Study 2006 both of which identify these areas as having substantial landscape sensitivity and a low/medium landscape capacity.
- The immediate visual impact of the development will impact on the immediate surrounds to the development and in particular the 2 PROW which run on two sides of the proposal site.
- Parts of the site there is screening in place which will reduce the visual impact, however large areas will require mitigation to reduce this impact.
- Important that sufficient screening is provided and managed into the future and that year round screening needs to be a consideration when identifying the mitigation.
- Consideration to all year round screening must be included - it's likely this will include ivy which will naturally introduce itself in time - however suggestion of how this screening mitigation will be met all year round
- Other measures to ensure full establishment of the planting must also be provided and included in a management plan for these planting areas.
- The inclusion of species suitable to near coast conditions has been stated - as stated above emphasis must be made on species already growing in this area as a guide to species to be used. Species such as Hippophae Rhamnoides must be avoided.
- No overall objection however the above points must be addressed to ensure that satisfactory mitigation for the proposals are made.

Comments on Consultation responses:

The various consultation responses which mention the need for conditions have been noted.

No objection has been raised from the various consultees on technical grounds.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN21	Renewable Energy
	GEN29	Nature and Conservation Across the District
	GEN3	Protection of the Countryside
	GEN9	Foul and Surface Water Drainage

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

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

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

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 would conflict with relevant Development Plan policies in that it would be sited on outside of the defined built-up area boundary. However there are material considerations that outweigh this conflict such as the need to promote economic growth and to retain employment in the District; therefore a presumption in favour of development applies.

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.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council has recently published the Draft Arun Local Plan and is therefore a material consideration in the determination of this planning application. It remains subject to publication of a pre-submission Plan, formal public consultation, resolution of objections, examination and the formal adoption process as a whole, and it is therefore of very limited weight in terms of the decision making process at this stage.

CONCLUSIONS

THE 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 1.0 metres above ground level. The south eastern and north western parts of the site are within an area affected by fluvial flooding. The applicants propose raise some of the panels to ensure that they are not damaged by flowing water. The lower edge in these areas will be set at 1.4 metres giving a maximum height of approximately 2.8 metres in these parts. 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 primary substation measuring approximately 10m x 10m which will be located in the centre of the site. The solar farm is proposed to be connected to the grid via an underground cable, and will join an existing substation off Yapton Road.

A proposed deer fence will be located around the perimeter of the panels to protect them from damage. This is proposed to be 2.4 metre tall deer fencing. The fencing will be set approximately 8 metres from any existing boundary hedgerows.

PRINCIPLE OF DEVELOPMENT

The proposed development will generate 14.5 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 County Council's ecologist in his consultation response 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.

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.

LANDSCAPE CONSIDERATIONS

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 applicants have submitted a Landscape and Visual Impact Assessment (LVIA) which has been assessed by the Council's Trees and Landscape Manager.

The proposal in within 2 landscape character areas the Arun Landscape Study 2006 both of which identify these areas as having substantial landscape sensitivity and a low/medium landscape capacity.

The LVIA identifies that "the main landscape effects include partial temporary loss of existing

arable land during construction and the temporary and reversible alteration to the appearance of the application site's land cover during the operation. All hedgerows, trees, woodland, and field shapes and sizes will be retained intact and, as a result the landscape will not suffer any permanent alteration".

The Applicants accept that the development will initially result in "major adverse impacts on the character of the local landscape, but these are impacts that are contained to a small, localised area. Once mitigation measures have established (approximately 5-7 years) the development will be screened from view to the extent that these impacts will become negligible or gain minor beneficial impacts. Once decommissioned, with the mitigation planting measures left in place, the character of the local landscape will have gained minor beneficial impacts."

A key consideration is the impact of the development on views from two adjacent Public Right of Ways (PROW) which run parallel to the south-eastern and north-western boundaries of the site. During construction and the first few years of operation the proposed development will potentially result in major visual impacts on the visual amenity of PROW receptors immediately adjacent to the site. This affects approximately 600 m of footpath to the northwest of the site and 500 m of footpath on the southeast edge of the site.

The PROW are rural paths and users of these paths would expect to see countryside views. Therefore the introduction of the proposed solar farm would have a particular effect on the character of the footpath, and the amenity of the users.

The applicants have proposed a number of mitigation measures including new hedgerows and trees belts, interpretation boards for users of the PROW and surface improvements to the footpath along the south of the site. The applicants have indicated that the landscaping will take 5-7 years to mature and will be managed at a height of approximately 3.0 metres.

The Council's Environmental Services and Emergency Planning Manager raises no objection to the proposal but commented in his consultation response that "it is very important that sufficient screening is provided and managed into the future and that year round screening needs to be a consideration when identifying the mitigation". He considers that further detail on the proposed landscaping and planting is required to ensure that appropriate native species are used and that they will provide year round cover.

In conclusion it is considered that there will be a significantly adverse impact on the landscape in a sensitive area, and especially when viewed from the Public Right of Ways. However, the Environmental Services and Emergency Planning Manager had commented that landscaping can be provided to reduce the impact of the development in the long term. It is therefore considered acceptable subject to the imposition of an appropriate condition to secure a detailed landscaping scheme.

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 require 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 35ha 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 they contend that the loss would not represent a significant loss in the context of the District as a whole.

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 Phase 1 Habitat Survey has been undertaken in support of this application. The site has been managed under intensive agricultural use, with the result that other than the hedgerows, ditches, woodland and barn, 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 an 8 m wide 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;

- The installation of bat boxes will provide roosting enhancements for bats; and,
- The preparation and installation of a management plan will ensure the habitats are retained and enhanced.

The ecological report concludes that, subject to implementation of the avoidance, mitigation, compensation and enhancement measures outlined above, the proposed development is capable of being accommodated without significant negative impacts on ecologically sensitive receptors within the survey area.

The report further notes that:

"The enhancement measures proposed are likely to result in a range of benefits to the ecology of the local area, particularly through implementation of a dedicated, sensitive and appropriate management regime of habitats and features within the application site boundary."

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

ARCHAEOLOGY

The application is supported by an assessment of the potential archaeological impacts of the proposed development. The report references fieldwork which has been undertaken directly to the east of the Site and has identified the presence of a Bronze Age hoard, a possible Bronze Age occupation/activity site, large quantities of prehistoric artefacts and two possible Romano-British settlement/activity sites. The assessment therefore concludes that the application site may also contain archaeological remains.

The County Council's archaeologist has considered the application and determined that a suitable condition can be applied to provide for archaeological monitoring and recording.

FLOODING

The majority of the proposed PV site is situated within Flood Zone 3 with the remainder lying within Flood Zones 1 and 2. The site is at risk from both fluvial and tidal flooding.

No significant changes will be made to the site's permeability characteristics and the existing surface water regime will be retained.

As part of the application site is located within Flood Zone 3 the applicants have submitted a sequential test to satisfy paragraph 100 of the NPPF. The Flood Risk Assessment has identified that the primary risk for the Bilsham Farm site is from tidal flooding, with the 200-year extreme tide levels being in excess of site ground elevations. An area of the site is within Flood Zone 3, as defined in Table 1 in the Technical Guidance to the Framework (land having greater than a 1 in 200 annual probability of tidal flooding).

The NPPF does not explicitly categorise solar parks under a particular vulnerability classification. The applicants argue in their planning statement that such developments should be considered as

'essential infrastructure', given their similarity to other uses placed under that designation, specifically, utility infrastructure including power stations, substations and wind turbines. This is considered to be a reasonable approach by the Council and provides a suitable basis for assessing the suitability of the development.

According to the Technical Guidance, Table 3, proposed development classed as 'essential infrastructure' is compatible within Flood Zones 3a and 3b subject to the requirements of the Sequential Test and the Exception Test being met.

Paragraph 101 of the Framework and Paragraph 5 of the Technical Guidance, respectively, clarify the aim of the Sequential Test and the approach to undertaking it, as follows:

- Development should not be allocated or permitted if there are reasonable available sites appropriate for the proposed development in areas with a lower probability of flooding"
- Only where there are no reasonable available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required."

With regard to the Exception Test, the FRA has carried out this test and concluded that the test has been satisfied.

Unlike other types of developments, housing or industrial schemes for example, the Council do not allocate land for renewables, choosing to rely upon developers to bring forward and justify sites, which are more than often dictated to by the availability of points of connection to the national grid. As a consequence therefore, there is not a list of allocated or suitable alternative locations against which to compare the identified site. As a consequence, the sequential test has therefore only looked at the land available for development in the surroundings rather than across the whole District.

It is clear from the EA flood map that the majority of surrounding land is either within Flood Zone 3. It also shows that the only areas outside are very small parcels of land. Some of the land, in particular to the east has been discounted due to proximity to nearby residents. It is considered that this approach is considered appropriate and the exception test has been satisfied.

Based on this vulnerability classification, the NPPF Flood Risk Vulnerability and Flood Zone Compatibility matrix (NPPF, Table 3) indicates that 'essential infrastructure' development is appropriate in Flood Zone 3, subject to the exceptions test, which has been met and the proposed development is considered to meet the requirements of the Sequential Test.

TRAFFIC AND ACCESS

The majority of the traffic associated with the development will occur during the construction phase. The applicants have identified in their planning statement that construction works will take approximately three months and in total will generate circa 100 x 40ft truck movements comprising delivery of all equipment and materials to the site. Standard vehicles will be used with no requirement for abnormally long or wide loads, with the possible exception of the transformer. All plant, equipment and contractor welfare facilities will be contained within a construction compound within 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 field access which is located off Drove Lane, with the only internal roads being those providing access to the equipment in the centre of the site. Access to the panels themselves will be available between the arrays.

West Sussex County Council initially responded to the application requesting further information on vehicle movements and vehicle tracking, and the safe access to the site. The applicants have supplied this information to the County Council who were evaluating this. A committee update report will be prepared detailing the response from the County Council, but they are not anticipated to object to the proposal.

It is therefore considered that the existing access provision is satisfactory and that the proposed development will not cause traffic or environmental issues that require any transport improvements which will harm the character of the locality. During its operation, the proposed development will therefore not result in any discernible increase in traffic on surrounding roads. The proposal is therefore in conformity with policy.

PUBLIC RIGHTS OF WAY

The County Council's Senior Rights of Way Officer has considered that application and has highlighted that there is likely to be a considerable effect on the public footpath that runs along Drove Lane that is proposed to be used for construction traffic. They consider that the existing route is made up and may require improvement to accommodate construction traffic. The County Council should be consulted on any improvements as it is a public footpath.

The proposal will result in an increase in vehicles in using the footpath. The Rights of Way officer emphasises that any vehicle must give precedence to pedestrians, and that signage is required to inform people of the dual use of the route.

The applicants "Recommended Landscape Mitigation Plan" proposes footpath resurfacing for the section south, from the vehicular access into the site, south to the Ryebank Rife. The County Council consider that this "would be a benefit to the existing route" as it is currently an unmade surface. At present, users of the footpath deviates from the "legal line" of the footpath and the proposed resurfacing will reinstate the legal line which the County Council consider to be a positive benefit of the proposal.

In conclusion the County Council have no objection to the proposal, subject to the proposed improvements being secured, adequate signage provided, and precedence for pedestrians being maintained throughout and after construction.

CONCLUSION AND RECOMMENDATION

The application proposes the development of a solar park, with associated infrastructure and equipment, on agricultural land at Bilsham Farm. It is considered that the principle of development is acceptable in light of Local Planning Policy and especially given the support for renewable energies in the National Planning Policy Framework.

The application is likely to have significant adverse in terms of visual impact on the surrounding landscape especially when viewed from the adjacent public rights of way. The supporting LVIA identifies that, with the proposed mitigation, there will be no significant visual impact as a result of

the scheme. The Council's Environmental Services manager has commented that the proposed landscaping will mature to ensure sufficient screening in the medium to long term, and ecological enhancements proposed will be a positive benefit.

With the mitigation measures proposed in the Ecological Assessment, the development is capable of being accommodated without adverse effect on ecology and the enhancement measures proposed could result in benefits to the local area.

The accompanying Surface Water Drainage Strategy and Flood Consequence Assessment demonstrate that the proposed solar park will not increase flood risk, either on site or in the surroundings. It is also considered that the scheme will have no significant impact on archaeological features.

There are no Development Plan policies which restrict the use of this site for a solar park development and there are no sensitive or other designations of relevance on the site. Furthermore Government policies are supportive of renewable energy developments.

It is considered that the information provided with the application demonstrates that the proposed solar park development is in accordance with local and national planning policy. It is therefore recommended that full planning permission should be granted for the proposed development.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 1 of the First Protocol (protection of property). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 a neutral impact has 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.

As a neutral impact has been identified no mitigation is proposed.

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:

- Site Location Plan 2562-001
- Block Plan 2562-002
- Primary Substation Generic General Arrangement GENGAPstn
- Drawing PV Panel Elevation A 2562_300_RevB
- Drawing PV Panel Elevation B 2562_301
- Recommended Landscape Mitigation Plan 2562_101_REV F
- Deer Fence Detail 2562_400

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.

- 3 No development shall commence until details of the associated inverter stations, transformers, substation, CCTV (including the pole mountings) and deer fence 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.

- 4 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.

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.

- 5 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.

- 6 If any of the individual solar panel(s) 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.

- 7 Prior to the commencement of development a scheme shall be submitted to the Local Planning Authority for its written approval setting out the precise height of the proposed solar panels throughout the site. The scheme so approved shall be adhered to in the construction of the solar farm.

Reason: 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.

- 8 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.

- 9 The development shall be undertaken in accordance with the recommendations contained within sections 7.0 and 8.0 of the Ecological Appraisal dated October 2013.

Reason: To conserve the wildlife interest of an important natural habitat in accordance with policy GEN29 of the Arun District Local Plan.

- 10 No development shall take place until a landscaping scheme, including details of new hedgerows to be planted and the 'gapping-up' of existing hedgerows in and around the site, as well as a timetable for implementation/planting has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and timetable. Any trees/shrubs or plants which die, are removed or become diseased within 5 years of planting shall be replaced during the next planting season with trees/shrubs/plants of a similar size and species.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 11 An archaeological recording and monitoring exercise shall be carried out at the expense of the developer in accordance with a specification (WSI - written scheme of investigation) to be submitted to and agreed by the Local Planning Authority in writing before the commencement of building works.

Reason : To ensure appropriate investigation and recording of archaeological heritage assets on the site prior to commencement of new building works.

- 12 No development shall take place, including any works of demolition, 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 all works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- ? Measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- ? Details of public engagement both prior to and during construction works.
- ? Layout of the site compound to indicating storage, turning provision, unloading/loading, wheel washing facilities, parking etc
- ? Detail of parking provision for site operatives and visitors
- ? The type and dimensions of vehicles accessing the site
- ? Layout of site accesses including visibility and vehicle tracking plots where appropriate.

- 13 INFORMATIVE: Any works or installations within 8m of Main Rivers, or 5m of IDB ditches, would require a Flood Defence Consent from the Environment Agency. It is unlikely that consent will be granted for any installations within these distances as access must be maintained for operational purposes.
- 14 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.