

MID SUSSEX DISTRICT COUNCIL

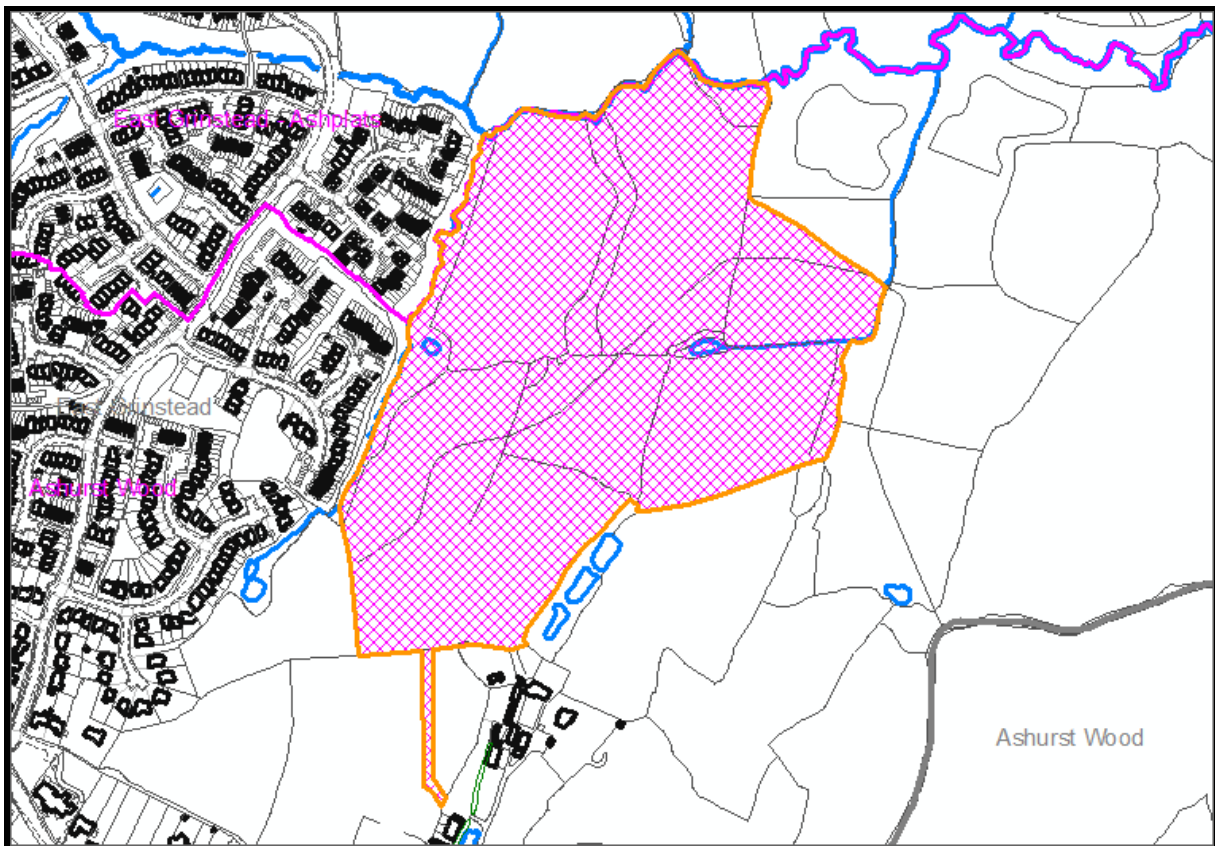
District Wide Committee

29 NOV 2018

RECOMMENDED FOR PERMISSION

East Grinstead

DM/18/3636



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LAND AT WORSTED FARM WORSTED LANE EAST GRINSTEAD WEST SUSSEX

VARIATION OF CONDITION 3 OF PLANNING APPEAL DECISION AP/16/0054 (PLANNING APPLICATION DM/15/3056) TO EXTEND THE EXPIRY TO 45 YEARS FROM THE DATE ELECTRICITY IS EXPORTED.

MR ASHLEY SEAGER

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / High Pressure Gas Pipeline /

Aerodrome Safeguarding (CAA) / SWT Bat Survey / Tree Preservation Order /

ODPM CODE: Largescale Major Other

13 WEEK DATE: 3rd December 2018

WARD MEMBERS: Cllr John Belsey /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader for Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This application seeks permission to vary condition 3 of the planning appeal decision AP/16/0054 (DM/15/3056) to extend the expiry to 45 years from the date electricity is exported to the electricity grid network, excluding initial testing and commissioning. The appeal granted planning permission for the 'Installation and operation of a ground mounted solar photovoltaic array to generate electricity of up to 5MW capacity, comprising photovoltaic panels, inverters, security fencing and cameras, and other associated infrastructure.'

The application is submitted under Section 73 of the Town and Country Planning Act 1990 to vary a condition associated with a planning permission.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

It has previously been considered that the introduction of a solar farm for a period of 25 years on the site is acceptable through the determination of the appeal in relation to the 2015 application. It is considered that the increase in the time period for the exportation of electricity from the site and the presence of the solar farm for a further 20 years would result in further environmental and economic benefits through the formation of renewable energy from the site which attracts considerable weight.

Whilst the Inspector in the determination of the original application acknowledged that the development would result in some visual impact, the mitigation through planting as part of the scheme would reduce the impact and would result in a very local effect. The presence of the development for a further 20 years would not result in any further significant harm to the countryside or the High Weald Area of Outstanding Natural Beauty.

The proposal is thereby considered to comply with policies DP12, DP16 and DP40 of the District Plan, policies EG1 and EG2 of the Neighbourhood Plan and paras 8, 148, 158 and 172 of the NPPF.

RECOMMENDATION

It is recommended that planning permission be approved subject to the conditions set in Appendix A.

SUMMARY OF REPRESENTATIONS

3 letters of OBJECTION concerning the following points:

- Increase in time period means development uneconomic in nature;
- Intrusion into the countryside
- Development would be visible;
- Inappropriate and detrimental to AONB.

East Grinstead Society

No objection

SUMMARY OF CONSULTEES

EAST GRINSTEAD TOWN COUNCIL

Would Support Approval

INTRODUCTION

Permission is sought to vary condition 3 attached to appeal reference AP/16/0054 (in respect of planning reference DM/15/3056) to extend the expiry of the permission to 45 years from the date electricity is first exported to a solar farm at land at Worsted Farm, East Grinstead.

RELEVANT PLANNING HISTORY

Permission was refused under reference DM/15/3056 for the installation and operation of a ground mounted solar photovoltaic array to generate up to 5MW capacity, comprising photovoltaic panels, inverters, security fencing and cameras and other associated infrastructure at Land at Worsted Farm. This was refused for the following reason:

"The introduction of a solar farm on this greenfield site within the High Weald Area of Outstanding Natural Beauty (AONB) would be seen as an alien and unnatural feature that would have a significant detrimental visual impact on the character and appearance of the surrounding rural area. Such a development would fail to

conserve the landscape and scenic beauty of the AONB. The harm to the visual amenity of the locality would outweigh the positive benefits of these proposals and as such the application fails to comply with Policies C1 and C4 of the Mid Sussex Local Plan, policies DP1 and DP14 of the Pre-Submission Draft District Plan, policy EG1 and EG2 of the East Grinstead Neighbourhood Plan and paragraphs 7, 14, 17, 115 and 116 of the NPPF."

Subsequently, this decision was allowed on appeal by the Inspector. In the determination of the appeal, the Inspector considered that

"The strategic environmental and economic benefits of renewable energy proposals are substantial. At a local level the site lies in an area of high energy demand and low operational renewable energy capacity. Overall the benefits should attract considerable weight.

On the debit side the engineered form of the panel arrays would jar with the rural tranquillity of the setting. However it would be a very local effect. Whilst great weight attaches to conserving the AONB landscape the detriment to landscape character in this case would be limited. There would be some visual impact on users of the nearby footpath network but with mitigation it would not be significant. None of the other matters before me, including highway, heritage and viability considerations, would weigh against the proposal.

In this case I find that the balance is clearly in favour of the development. Major development in the AONB should only be permitted exceptionally. Taking account of the limited harm identified, the lack of suitable alternative available sites, and the limited operational renewable energy capacity in the District, I find the proposal to be such an exception as provided for in LP Policies CS19 and C4. The loss of a length of historic field boundary would be contrary to LP Policy C6 but I find, nonetheless, that the proposal would be in accordance with the development plan as a whole.

This would be a sustainable development for which the considerable environmental benefits outweigh the limited environmental harm. With the mitigation proposed and conditions set out I find that the impacts of the development would be acceptable and that, in accordance with NPPF paragraph 98, the proposal should be approved."

In light of this he allowed the appeal subject to a number of conditions including the development to be begun 3 years from the date of the decision. This permission expires on the 21st November 2019.

Following this, an application to discharge conditions 5, 6 and 7 attached to this appeal was submitted under reference DM/17/0040. These relate to the submission of a landscape and biodiversity management plan (cond 5); a tree survey (cond 6) and tree and hedge planting specification (cond 7).

An application was submitted in respect of the discharge of conditions 9 and 10 of the appeal (AP/16/0054). Condition 9 in relation to surface water drainage and means of disposal was approved. However, condition 10 in respect of a written scheme of archaeological investigation was refused as it required further information.

More recently, an application to discharge condition 10 was resubmitted under reference DM/18/3674 in respect of the written scheme of archaeological investigation. This has now been approved.

The only outstanding pre-commencement condition is condition 8 which states:

"No development shall commence until details (including size, colour, appearance and finish) of the CCTV poles, boundary fencing, solar panels, inverter stations, control cabin, sub-station and storage container hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details."

SITE AND ITS SURROUNDINGS

The application site forms a large field (previously a number of fields) set to the north of Worsted Lane. There are well established tree boundaries surrounding the site and within the site there is a mixture of semi-mature trees, self-seeded trees and scrubland. In addition there are ditches and a pond within the site.

The site where the solar panels are to be constructed is relatively level, however the site is set at a lower level than Worsted Farm and Worsted Cottage as well as land to the south. The single track access road into the site (through the existing fields) would be sloping down to the north into the site.

To the north and east of the site are additional fields and woodland. To the west of the site is a public footpath, and the edge of the built-up area boundary of East Grinstead comprising of a residential development estate.

The application site is situated within the Countryside Area of Development Restraint and within the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

This application seeks permission to vary condition 3 of the planning appeal decision AP/16/0054 to extend the expiry of the development to 45 years from the date electricity is exported to the electricity grid network, excluding initial testing and commissioning, before it is decommissioned.

The application is submitted under Section 73 of the Town and Country Planning Act 1990 to vary condition 3 associated with a planning permission. The Act states that:

"On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."

Condition 3 of the permission currently states:

"This permission shall expire 25 years from the date electricity is first exported to the electricity grid network, excluding initial testing and commissioning. Written confirmation of the first export date shall be provided to the local planning authority no later than one month after the event. Within 12 months from the end of this expiry date the solar arrays, invertors, access track, sub-station, fencing, cabling and other ancillary equipment hereby permitted shall be removed and the land restored to its former condition or to a condition to be agreed in writing by the local planning authority."

A Planning Statement has been submitted with the application which states:

"The planning application submitted to Mid Sussex District Council stated that the solar farm would be operational for 25 years after which it would be decommissioned.

The 25 year period specifically related to the Government's subsidy regime for ground mounted solar. This scheme provided financial support for a period of 20 years to accredited solar projects exporting electricity to the National Grid. This scheme was withdrawn on 31 March 2016.

The solar development approved at Worsted Farm in November 2016 could not be built and accredited by the 31 March 2016 cut off date for financial support from the Government.

Since 2016 the owner of the solar project, S4NWorsted Limited has been exploring opportunities to construct the project without a Government subsidy. They include sourcing lower cost solar panels and electricity infrastructure equipment and negotiating a private power purchase agreement.

As the project is not tied to the Government's 20 year subsidy regime and because the operational life span of solar developments is now between 40 - 50 years due to improvements in solar panel technology and build quality as well as longer equipment warranties, an amendment to Condition 3 is now being sought."

In addition, it submits that *"It should also be noted that more recent planning decisions for solar farms no longer have a restrictive condition limiting the development to a specific number of years. This is undoubtedly in recognition that low carbon energy is to be considered a permanent component of the UK's generation mix in accordance with the NPPF."*

LIST OF POLICIES

District Plan

The District Plan was adopted in March 2018

DP12 - Protection and enhancement of countryside
DP16 - AONB
DP26 - Character and Design
DP34 - Listed Buildings and Other Heritage Assets.
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP40 - Renewable energy schemes

Neighbourhood Plan

The Neighbourhood Plan for East Grinstead was 'made' in November 2016. It forms part of the development plan with full weight.

Relevant policies:

EG1: Protection of the High Weald AONB
EG2: Areas of Development Constraint

High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019

National Policy

National Planning Policy Framework (NPPF)

Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

ASSESSMENT

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

"In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations."*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

"If regard is to be had to the development plan for the purposes 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."

Using this as the starting point the development plan in this part of Mid Sussex consists of the Mid Sussex District Plan (2018) and the East Grinstead Neighbourhood Plan.

This application is made under section 73 of the Town and Country Planning Act 1990 to vary condition 3 associated with a planning permission granted by the Planning Inspector.

The principle of the development has already been accepted through the appeal decision in respect of the 2015 application. The Inspector considered that *"The strategic environmental and economic benefits of renewable energy proposals are substantial. At a local level the site lies in an area of high energy demand and low operational renewable energy capacity. Overall the benefits should attract considerable weight."*

Notwithstanding this, since the determination of the appeal, the Councils District Plan has been adopted. Policies set out in the adopted District Plan are a material consideration in the determination of this planning application. The application needs to be considered in light of these policies.

In addition, since the determination of the appeal, the NPPF has been updated. However, there is still a focus on achieving sustainable development (paras 7-8), and support for the transition to a low carbon future in a changing climate (para 148). In addition the NPPF requires local planning authorities to seek to approve applications if its impacts are (or can be made) acceptable (para 154 b)).

Even though the result of this application would result in the issuing of a new planning permission, it is not considered necessary to go through all the planning issues. The only issue that is pertinent is to consider the specific changes that are proposed from the previous approval.

Whilst the development has previously been considered acceptable, consideration needs to be made to the increase in the time period for the export of electricity generated from the solar panels on the site. It is sought to increase the time period by a further 20 years.

As such the main issues for consideration are:

- the principle of the development in the countryside;
- the impact to the character of the area and the AONB; and
- the impact to the setting of the nearby Listed Building.

Principle of the development in the countryside

Policy DP12 of the District Plan relates to the protection and enhancement of countryside and requires the countryside to be protected in recognition of its intrinsic

character and beauty. In addition it states that development will be permitted provided it maintains or where possible enhances the quality of the rural and landscape character of the District.

Policy DP40 of the District Plan relates to Renewable Energy Schemes and supports such proposals for new renewable and low carbon energy projects provided that any adverse local impacts can be made acceptable.

Para 170 of the NPPF requires decisions to contribute to and enhance the natural and local environment and recognise the intrinsic character and beauty of the countryside.

There is an extant permission on the site for a solar farm where the Inspector considered that the effect of the proposed development on the character and appearance of the AONB and countryside was acceptable. There is no change in the layout or design of the development in this application which seeks to extend the time period of the solar panels being in place by a further 20 years. It is considered that the extension in the time period of the panels being in place would have little adverse effect on landscape appearance through the planting on and around the site which would continue to be an effective filter/screen even in winter.

The proposal is thereby considered to comply with Policies DP12 and DP40 of the District Plan and paras 8c, 148, 154 and 170 of the NPPF.

Impact on the character of the area and the High Weald AONB

Policy DP16 of the District Plan relates to the High Weald Area of Outstanding Natural Beauty and states that development will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan.

A similar ethos is found in policy EG1 of the East Grinstead Neighbourhood Plan which also states *"planning permission will be refused for major development proposals unless the development is demonstrably required in the public interest and meets the exceptional circumstances criteria outlined in the NPPF."*

In addition, para 172 of the NPPF relates to AONBs and states *"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues"*.

In the determination of the appeal, the Inspector considered in respect of character and appearance (including on the High Weald AONB) that:

"The development would have a moderate adverse effect on local landscape character but any wider effects on the AONB would be negligible. Overall the harm to landscape character would be limited. There would be little adverse effect on landscape appearance. This conclusion is reached having seen the site with the vegetation in leaf but I am satisfied that the width and density of the main planting would continue to be an effective filter/screen even in winter."

It is considered that there would be little further detriment to the landscape character and the AONB through the increase in the time period that electricity is generated from the site through the solar panels remaining in-situ for a further 20 years (in place for 45 years). Over the additional time period the vegetation would have further matured providing additional screening from viewpoints.

As such the proposal is considered to comply with policies DP12, DP16 and DP26 of the District Plan, policies EG1 and EG2 of the Neighbourhood Plan and paras 8 and 172 of the NPPF.

Impact to the nearby Listed Building and its setting

The nearest heritage asset of Worsted Farm is a Grade II listed property. This is sited to the south-east of the application site, and the building is set some 60 metres from the boundary of the application site. In addition there is a complex of buildings to the north-east of the farmhouse (closer to the application site), and the possibility exists that some of these may be deemed to be curtilage listed.

As such the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant to the consideration of the application. S. 66 states:

*"66.—(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Recent case law has stated that "As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."*

The Courts further stated on this point *"This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."*

Policy DP34 of the District Plan relates to Listed Buildings. It states that:

Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric."*

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paras 193 - 196 of the NPPF state:

"193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) *the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) *the harm or loss is outweighed by the benefit of bringing the site back into use.*

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

The Inspector in the consideration of the appeal stated that Worsted Farmhouse is not clearly seen in any public views. He states "*Historically the appeal site was part of the Worsted Farm land but it no longer has an agricultural function and there is no significant visual or physical connectivity between it and the listed farmhouse. I conclude that it contributes little to the heritage significance of the farmhouse and any significance it has would be retained as the proposal would have no effect on the structural boundary features. I find there would be no material adverse effect on the setting of Worsted Farmhouse.*"

It is considered that the extension to the time period of the development would preserve (not to cause harm to) the special interest of the listed building and the character of its setting. The proposal is thereby considered to comply with Policy DP34 of the District Plan and paras 193-196 of the NPPF.

Other matters

Concerns have been raised by a nearby resident in respect of the proposal being uneconomic due to the need to increase the time period for the exportation of electricity. The Planning Statement sets out that the Government subsidy to such development has now been withdrawn which previously limited such development to a 25 year period. In addition it submits that the technology has been improved to increase the lifespan of the operation of such developments to 40-50 years to allow a longer presence. However, this concern raised by a resident is not a planning matter.

CONCLUSION

It has previously been considered that the introduction of a solar farm for a period of 25 years on the site is acceptable through the determination of the appeal in relation to the 2015 application. It is considered that increase in the time period for the exportation of electricity from the site and the presence of the solar farm for a further 20 years would result in further environmental and economic benefits through the formation of renewable energy from the site which attracts considerable weight.

Whilst the Inspector acknowledged that the development would result in some visual impact, the mitigation through planting as part of the scheme would reduce the impact and would result in a very local effect. The presence of the development for a further 20 years would not result in any further significant harm to the countryside or the High Weald Area of Outstanding Natural Beauty.

The proposal is thereby considered to comply with policies DP12, DP16 and DP40 of the District Plan, policies EG1 and EG2 of the Neighbourhood Plan and paras 8, 148, 158 and 172 of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the 21st November 2019.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 15K61-CV-GS-101 (site location); 15K61-EL-LY-101A/B/C/D (site layout); 15K61-CV-HS-101 (inverter housing); 15K61-CV-HS-102 (control cabin); 15K61-CV-HS-104 (CCTV poles/layout); 15K61-CV-FC-103 (fence/gate); 15K61-SL-PA-101 (array elevation); 15K61-EL-HS-103 (storage container) submitted under planning reference DM/15/3056.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. This permission shall expire 45 years from the date electricity is first exported to the electricity grid network, excluding initial testing and commissioning. Written confirmation of the first export date shall be provided to the local planning authority no later than one month after the event. Within 12 months from the end of this expiry date the solar arrays, invertors, access track, sub-station, fencing, cabling and other ancillary equipment hereby permitted shall be removed and the land restored to its former condition or to a condition to be agreed in writing by the local planning authority.

Reason: As the proposed development has a limited life span and to protect the character and visual appearance of the site in the longer term and in accordance with policies DP12, DP16 and DP40 of the Mid Sussex District Plan and to comply with the provisions of the NPPF.

4. If the solar farm hereby permitted ceases to operate for a continuous period of 6 months then a scheme for the decommissioning and removal of the panels and any other ancillary equipment shall be submitted to and approved in writing by the local planning authority within 3 months of the end of the cessation period. The scheme shall include details for the restoration of the site and shall be implemented as approved within 12 months of the date of approval.

Reason: In the interests of the character and visual appearance of the area having regard to policies DP12 and DP16 of the Mid Sussex District Plan, policies EG1 and EG2 of the Neighbourhood Plan and to comply with the provisions of the NPPF.

5. The development shall be carried out in accordance with the Landscape and Biodiversity Management Plan approved under reference DM/17/0040. The development shall be implemented in accordance with the approved timetable set out in this plan.

Reason: To conserve and enhance biodiversity in accordance with para 175 of the NPPF.

6. The development shall be carried out in accordance with the approved Arboricultural Survey, Impact Assessment and Method Statement (refs PJC ref: 4241/16-01 Rev 1, PJC ref: 4241/16-02 and PJC ref: 4241-16-03 Rev 1) approved under reference DM/17/0040.

Reason: To enhance the general appearance of the development having regard policies DP12, DP16 and DP37 of the Mid Sussex District Plan, and to comply with the provisions of the NPPF.

7. The development shall be carried out in accordance with the details submitted in the Landscape Specification by Broom Lynne dated 12th December 2016 approved under reference DM/17/0040.

Reason: To enhance the general appearance of the development having regard policies DP12, DP16 and DP37 of the Mid Sussex District Plan, and to comply with the provisions of the NPPF.

8. No development shall commence until details (including size, colour, appearance and finish) of the CCTV poles, boundary fencing, solar panels, inverter stations, control cabin, sub-station and storage container hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To protect the character and visual appearance of the area and to accord with policies DP12, DP16 and DP26 of the District Plan and policies EG1 and EG2 of the Neighbourhood Plan.

9. The development shall be carried out in accordance with the approved details under reference DM/17/0160 in respect of the proposed surface water drainage and means of disposal. The drainage works shall be carried out as approved before the first export of electricity to the grid.

Reason: To ensure flood risk is not increased elsewhere and to accord with policy DP41 of the Mid Sussex District Plan and para 148 of the NPPF.

10. The development shall be carried out in accordance with the written scheme of archaeological investigation submitted and approved under reference DM/8/3674.

Reason: To enable items of archaeological interest to be recorded in accordance with Policy DP34 of the Mid Sussex District Plan.

11. The development shall be carried out in accordance with the submitted Construction Traffic Management Plan and the Construction Method Statement.

Reason: In the interests of highway safety and the amenities of the area and to accord with policy DP21 of the Mid Sussex District Plan.

12. Works of construction or demolition, including the use of plant and machinery, shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hours

Saturday: 09:00 - 13:00 hours

Sunday and Bank/Public Holidays: no work permitted

Reason: To protect the amenity of local residents and to accord with Policy DP24 of the Mid Sussex District Plan.

13. No floodlighting, security lighting or other means of external illumination shall be provided, installed or operated at the site without the prior approval of the local planning authority.

Reason: To protect the visual appearance of the area, the amenity of local residents and to avoid harm and disturbance to wildlife and in accordance with policies DP12, DP37 and DP38 of the Mid Sussex District Plan.

14. The site compound shall be removed and the land restored to its former condition or to a condition to be agreed in writing by the local planning authority on or before the expiration of five months from the commencement of development.

Reason: As the proposed compound is temporary and to protect the character and visual appearance of the site in the longer term and in accordance with policies DP12, DP16 and DP40 of the Mid Sussex District Plan and to comply with the provisions of the NPPF.

15. A permissive footpath shall be retained within the site along its western and northern boundaries as shown on the plan accompanying the submitted unilateral undertaking dated 12 October 2016 attached to reference AP/16/0054. The footpath shall be retained for so long as the solar farm is operational.

Reason: To provide and maintain a permissive footpath alongside the western and northern boundaries of the site during the operation of the solar farm and to accord with policy DP22 of the District Plan.

INFORMATIVES

1. In accordance with 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.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan	04/05	AA	03.09.2018

APPENDIX B – CONSULTATIONS

None.