PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	5th August 2025
DEVELOPMENT:	Erection and operation of Photo-voltaic (PV) Panels and Associated Works
SITE:	Horton Landfill Site, Gas And Electricity Site, Henfield Road, Small Dole, West Sussex, BN5 9XJ
WARD:	Bramber, Upper Beeding and Woodmancote
APPLICATION:	DC/24/0374
APPLICANT:	**Name:** Mr Mark Dawber **Address:** Horton Landfill Site, Henfield Road, Small Dole, Henfield, West Sussex, BN5 9XJ

REASON FOR INCLUSION ON THE AGENDA: By request of Councillor Mike Croker

RECOMMENDATION: To approve full planning permission subject to appropriate conditions and the completion of the necessary section 106 agreement within four months of the decision of this Committee, or such longer period as is agreed by the Director of Place acting reasonably and properly.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 The proposal comprises a large-scale solar farm, capable of generating some 12.5MW of power, which is enough to power around 3,500 homes for a duration of 40-years. The PV panel array would be orientated due south with the panels mounted on fixed frames at an angle of 30°, with their top some 3.4m off the ground and their lowest edge around 1.125m off the ground. In addition to the solar array, the following is also included:

- An on-site Battery Energy Storage System BESS (4MW) – set on a concrete plinth (5.1m x 31.7m), located at the western edge of the site, close to existing power plant infrastructure within the site. Each battery unit would be some 2.3m in height measured from the surface of the concrete plinth (2.9m from existing ground level)
- Transformers and inverters – 6.096m x 2.896m x 2.896m (height), and 12.192m x 2.896m x 2.896m (height)
- DNO switching stations – 3m x 3m x 3m (height)
- Perimeter fencing, entrance gates and motion-sensor CCTV – deer proof fence at 2m in height, gates 2m in height. and CCTV poles at 5m in height (PTZ camera) and 3m in height

1.2 The application site comprises a land parcel covering an area of 14.5ha with vehicular access off the A2037 / Henfield Road, and an access track that serves the existing restored landfill site, the power plant on site, the angling lake and fields.

1.3 The proposed layout takes account of the leachate / landfill gas (LFG) exclusion zones across the site, which are 8m diameter. Furthermore, access routes to these leachate / LFG wells are also provided for within the layout, along with access routes to the transformer stations.

1.4 New landscape planting is included alongside the southern side of the access routes to the transformer stations, new woodland planting is proposed to the southern side and western side, and the line of existing hedgerows crossing the centre of the site will be maintained.

1.5 The proposal is expected to take around 3months to construct with around 10 staff on site during this time, with anticipated construction hours of 08:00 – 18:00 (Mon – Fri), and 08:00 – 16:00 (Sat), and some 20 HGV deliveries each day (40 vehicular movements). Once complete, there would be no staff present on site, aside from regular maintenance visits.

DESCRIPTION OF THE SITE

1.6 The application site forms the central area of Horton Landfill, located some 200 metres south-east of the Small Dole Built Up Area Boundary (BUAB). The application site includes the existing site access road off the A2037 (Henfield Road).

1.7 Horton Landfill surrounds the application site. Horton Landfill is a former clay pit extending to some 32 hectares, used from 1991 to 2012 for landfilling. The landfill site has been restored to a gentle dome which peaks in the eastern third of the site. A sixty year aftercare period has been entered to ensure its return to agricultural use. A Leachate Treatment Plant is currently present and in operation on site, along with a long-term landscape restoration plan which is monitored by WSCC.

1.8 Horton Landfill has a predominately vegetated boundary, consisting of trees, bushes and shrubs, beyond which is predominantly agricultural land, with scattered residential properties to the north, south and west, and the A2037 (Henfield Road) to the east. Henfield Road runs south to the A283 and Shoreham, and north to join the A281 at Henfield. The Hillside Scout Camp is located on the opposite side of the A2037 from the site. The site is on the eastern edge of Horsham District, and lies some 400m west of the South Downs National Park boundary.

1.9 The north-eastern corner of the wider Horton Landfill site is SSSI designated for the following geological reasons: a succession of clays representing the Lower Gault, with Natural England noting that the site is regarded as of particular importance for the ‘fossil faunal assemblages’ of the Lower and Middle Albian stages of the Lower Cretaceous.

1.10 There are a number of sites of ecological interest near the site including Tottington Wood Ancient Woodland and Site of Nature Conservation Interest (SNCI) some 350m to the east, and Hoe Wood SNCI and Ancient Woodland some 860 metres north-east. The South Downs National Park is some 450 metres east of the site. The River Adur, including another SNCI, is some 650 metres west of the landfill site.

1.11 There is a Grade II listed building (Nightingales) situated south of the access track to the site, however this rural property is separated from the application site by two intervening rows of boundary vegetation and trees.

1.12 The existing site is a former landfill site, which, as part of the landfilling operations, currently collects landfill gas from the site and generates a low-carbon, renewable energy, benefitting form an existing grid connection to facilitate the existing on-site energy production.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES
The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework (Dec 2024)

Horsham District Planning Framework (HDPF 2015)
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

Upper Beeding Neighbourhood Plan (2021)
Policy 1 – Spatial plan for the Parish
Policy 8 – Design standards for New Development

West Sussex Joint Minerals Local Plan (2018)
Policy M9 - Safeguarding Minerals

Planning Advice Notes:
Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

WSCC/042/19	Amendment of Condition 3 of planning permission WSCC/056/14/UB to extend the time allowed for the infill of the SSSI to August 2021.	Application Permitted 23.05.2019
WSCC/056/14/UB	Preservation of Horton Clay Pit Site of Special Scientific Interest with imported inert materials and site restoration.	Application Permitted 05.03.2015
WSCC/042/13/UB	Variation of Condition 2 of planning permission WSCC/094/10/UB to allow for changes in design to the approved site layout.	Application Permitted 01.08.2013
WSCC/094/10/UB	Implementation and operation of a Leachate Treatment Plant (LTP) at Horton Landfill to ensure the long-term sustainable management and treatment of leachate generated at the site.	Application Permitted 04.01.2011

WSCC/088/10/UB	Variation of Condition 1 of planning permission DC/814/07(UB) to allow waste disposal to continue at Horton Landfill Site from 1 October 2010 to 1 August 2011.	Application Permitted 02.12.2010

3. OUTCOME OF CONSULTATIONS

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

3.2 **HDC Landscape Architect**: Comments
[summary final comments – 04.02.2025]

- The misunderstanding regarding the accurate representation of Huddlestone Solar Array site within markup images (by the Landscape Consultant) are acknowledged. The cumulative effects analysis highlights the correct location and extent of Huddlestone solar farm site for Viewpoints 1, 2, 3 and 16. The analysis shows a negligible cumulative effect for Viewpoints 1-3, and a minor adverse for Viewpoint 16, which will reduce to negligible within 15 years.
- It is also noted that the annotation to the existing hedgerow through the site, includes additional planting to fill gaps and reinforce the hedgerow where it is thin.

[summary – 10.12.2024]

- Additional viewpoints were requested, and the inclusion of these and their assessment within the revised LVIA and Photography and verified views, is welcomed. Agreement with Viewpoint 16 judgement of Moderate-Major adverse significance of effect.
- Photomontage for Viewpoint 8 shows that the revised landscaping mitigation strategy and planting at year 15 provides more effective screening than previous mitigation scheme.
- The previous proposed layout included the removal of the existing hedgerows. Now pleased to see these have been retained, strengthened and maintained at 4m high as per our recommendations. The additional hedgerow planting proposed through the solar array is welcomed.
- The reduction of solar array and additional native woodland planting to the southern slopes is welcomed. This has led to more effective screening of the proposal, reducing the visibility of solar array on mid-high ground. Still, the areas on higher contours would remain visible from a number of visual receptors but the retention of existing hedgerows will aid in tempering the residual visual effects.
- To maximise the benefits of the proposed landscape mitigation strategy, advance planting should be considered.
- An Arboricultural Survey and Arboricultural Impact Assessment and Method Statement would be expected to be submitted prior determination to identify and confirm areas in need of additional planting to existing hedgerows, and to ensure appropriate buffer areas are established between the solar array and both existing and new hedgerows, as well as access routes.

[summary – 01.05.2024]

- Concerns that the proposed development as currently presented and in conjunction with other developments in the surrounding area will have moderate/major adverse impact on landscape character and setting of South Downs National Park.
- The viewpoint photomontages show that the site forms part of the mosaic of pasture and farm fields, hedgerows and woodlands within the wider landscape. Concluding judgement that the site is participating in the landscape character. Development on this site will result in the loss of green field within the wider landscape.

- As identified in both West Sussex and Horsham District Council Landscape Character Assessments, the sensitivity of the landscape in which the site is perceived has been considered high. This is accentuated by the elevated nature of the site which makes the site stand out amongst the flat and open landscape when seeing it from the higher ground of South Downs National Park.
- Refer to the comments by the South Downs National Park (SDNP) Authority where it was considered that the site would be visible from within the SDNP, and it would have an impact on the setting of the National Park. It was also thought that the solar farm would be viewed in the context of other development and that the site would present as a large area of incongruously dark ground cover.
- It is requested that an assessment of the cumulative effects is submitted, as previously requested under pre-application stage. Viewpoint assessments should made considering cumulative impact of the proposed solar development in combination with Huddlestone Solar development.
- Views from Tottington Mount should be included. This viewpoint was identified in the LVIA for Huddlestone Solar development application and expected to be included as part of the viewpoints for this application to assess the impact from both solar development within the same view. Views from the Adur River corridor would also be included, as previously requested under pre-application stage. − With regards the submitted Glint and Glare Assessment, it appears that no assessment has been carried out from the sensitive receptors within the National Park as requested at pre-app stage, where major adverse impacts are expected. It is noticed that the assessment shows a site layout that differs from the submitted indicative site layout (drawing no. ECL.9910.D01.002 Rev C). We seek clarification and further information.
- It appears that their removal has been proposed as a solution to deliver as many solar panels as possible on this site without taking into consideration the existing function of the hedgerow in the landscape, their function in terms of habitat provision and as screening elements to reduce landscape and visual impact which in turn could help assimilate the proposed development within the landscape and setting of the National Park. No justification for the removal of the existing establishing hedgerows. The landscape effects for the removal of the hedgerows will be Major Adverse and permanent.
- The retention of the existing establishing hedgerows on site with appropriate buffer distances from the proposal solar array parcels would be defended. This will enable to break up the extent of the solar array and retain existing a small field pattern. The hedgerows are currently 1.5m high and with appropriate management can be maintained up to 4m high to ensure screening is achieved and visual impact reduced.
- Clarifications are needed with regards the Ecological appraisal and BNG report
- Restoration details pertaining to decommissioning and restoration of the solar farm proposals will be particularly important to consider as short-, medium- and long-term impacts could take place through the construction, operation, and decommissioning stages of a scheme of this scale and nature.

3.3 **HDC Conservation Officer**: No Objection
[In full] The Council's Conservation Officer raises no objection and provides the following comments:
'The impact to the neighbouring listed buildings will be indirect. There is adequate distance that the impact will not be harmful. The historic farms and outbarns identified in the Historic Environment Record that are shown just outside the site boundary appear to no longer exist; certainly above ground. I am content the overriding heritage impact will be in relation to landscape and visual impact in relation to a historic agricultural landscape.'

3.4 **HDC Biodiversity and Ecology Officer:** No Objection
[summary final comments– 23.04.2024]

- Following additional comments having been provided there are no further concerns
- Advice is provided in relation to the selling of excess on-site gains which should all be documents in the tabs of the Metric and set out in the legal agreement.

[summary – 02.12.20204]
- A number of details have been submitted with a view of addressing the previously raised comments
- The details reveal an 18.60% net gain in habitat units and a 99.51% net gain in hedgerow units
- Planting of an extension to the hedgerow outside of the red line boundary would be treated as 'offsite' and will therefore require being registered on the National Biodiversity Neg Gain register unless removed or the red line amended

[summary – 23.04.2024]
- It is understood that the land is a previous landfill site but has since been capped and restored. Confirmation is requested as to whether the restoration plans have been completed prior to taking the habitat baseline.
- A number of details are missing from the submitted details which are required

3.5 **Arboriculture Officer**: No Objection
[In full] The Council's Tree Officer raises no objection and provided the following comments: *'The main site appears to have no significant foreseeable arboricultural impacts. Loss of recent hedgerow plantings could be mitigated by suitable landscape mitigation. The nearest small section of Ancient Woodland (Horton Wood) is situated over 80m to the NW and would thus not be directly impacted upon by the proposal. Mitigation landscape planting to include new native woodland planting of over 1 Ha in size would be beneficial in longer term landscape linkage.'*

OUTSIDE AGENCIES

3.6 **WSCC Highways**: No Objection.
[summary – 25.03.2025]
Minimal traffic movements attached to this use once operational with an established exiting access (onto the B2037) used with no concerns raised over its use. There will be an increase in vehicle/HGV movements during the construction phase; however these will not be excessive when compared with the site's former use and traffic movements involved. There is a dedicated right turn lane (RTL) on the A2037 at the junction/access point to allow vehicles to sit in the RTL to wait to turn right into the site and allow the free flow of the traffic on the A2037.
The LHA would not consider that this application would be in contradiction of paragraph 115 of the NPPF; therefore the LHA would raise no objection to this application in terms of highway matters.

3.7 **Ecology Consultant**: No Objection
[summary final comments – 25.03.2025] No comments in addition to those previously provided

[summary – 10.12.20204]
- The Reptile Survey – Population Assessment (Environmental Business Solutions. July 2024), along with the Preliminary Ecological Appraisal Report (E3P, February 2024) has been reviewed
- The submitted details reveal that there is no suitable habitat for Otter of Water Vole within the small ditch around the boundaries. The fishing lake is to be retained.
- The submitted reports now contain sufficient details for determination and so conditions are advised

[summary – 26.04.20204]

- The Preliminary Ecological Appraisal Report (E3P, February 2024), relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation has been assessed and there is insufficient ecological information available for determination, as the recommended minimum 7 reptile survey site visits between March and October are supported
- No further surveys are required for bats given the findings in relation to bats in Preliminary Ecological Appraisal Report (E3P, February 2024)

3.8 **NatureSpace (GCN)**: No Objection

3.9 **Brighton City Airport**: No Objection.
[Summary] The Brighton airport safeguarding team has assessed the proposal in accordance with the CAA CAP 16 and have no aerodrome safeguarding objection to the proposal.

3.10 **South Downs National Park Authority**: Comment.
[In full] South Downs National Park Authority provide the following comments:

'*The SDNPA makes no comment on the principle of development. The site is approximately 300m from the boundary of the National Park, which at its closest point is situated to the east. The proposed development for a circa 14.55 hectare ground based solar farm and associated infrastructure would be visible from within the SDNP. It would have an impact on the setting of the National Park.*

Section 245 of the Levelling-up and Regeneration Act 2023 strengthens the Section 11A (2) duty of the National Parks and Access to the Countryside Act 1949 and requires all relevant authorities including neighbouring local planning authorities to further the National Park's statutory purposes. The first purpose is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. Development within the setting of a national park should be consistent with the section 245 duty, and Paragraph 182 of the NPPF, which now includes specific reference to the setting of National Parks:

"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. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while any development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."

It is therefore important to consider direct and indirect effects upon the National Park designated landscape and its setting as well as its special qualities. The LPA officers will therefore need to assess any impacts upon the National Park in order to address the above statutory duty.

The solar farm would be viewed in the context of other development, this is both industrial and residential in nature. From the submitted Landscape and Visual Impact Assessment viewpoints the proposed development would present as a large area of incongruously dark ground cover. It is unclear from the submission how much the site currently contributes to the green rural character of the wider area. In regards to the balance to be weighed by the LPA officers the positives of the use of the site to generate renewable energy needs to be weighed against the potential negative impacts on the setting of the National Park.

The SDNPA would advise that the planting proposed should all be native and locally characteristic in order to offer meaningful benefits to wildlife and positively contribute to landscape character.'

3.11 **WSCC Minerals and Waste Planning Authority**: No Objection
[Summary final comments – 10/07/2025] Further information provided by the applicant (July 2025) namely the 'Technical Note - Monitoring and Management (V4)' – hereafter referred to as 'TNMM' - how the proposed development, if approved, would interact with any ongoing conditional requirements of extant landfill planning permissions (e.g. extant aftercare), and how the wider site would be monitored and regulated by both the LPA and WSCC:

- Periphery of the landfill would continue to be subject to extant aftercare provisions monitored by WSCC (as required by WSCC/088/10/UB and WSCC/042/19)
- Application site to be monitored and regulated by HDC (taking into account any new/additional landscaping and biodiversity measures proposed)
- TNMM also confirms the key actions/monitoring provisions to be taken forward in respect of the underlying former landfill

Proposed swales (as identified in plans contained within the submitted drainage strategy) would, in part, be situated in peripheral restored areas the subject of extant aftercare requirements monitored by WSCC – approval (by WSCC) would be sought for any changes to the approved Landscape, Restoration and Aftercare Management Plan (LRAMP) prior to any works commencing on site. Without prejudice to future consideration of any changes sought, in the context of the wider proposed landscaping and biodiversity measures, the addition of swales into the establishing restored areas, is in principle, likely to be acceptable. However, it is highlighted that consideration should be given to be given to minimising/replacing any habitat loss, and where appropriate, for the transplant of any mature trees into other areas.

The views of the Environment Agency (EA) to be importance regarding the acceptability of the proposals in respect of environmental risk and potential conflict with ongoing management requirements of the landfill should be sought by the LPA and the LPA should be satisfied that such matters are adequately controlled, including any potential for impacts on the landfill containment system and gas/leachate infrastructure. This should include consideration of any excavations necessary, the introduction of swales, and planting species appropriate for a capped landfill.

It is noted that the applicant has provided outline construction and installation methods, and the EA have requested a tailored landfill CEMP and Contamination Remediation Strategy (EA response of 2 December 2024). The MWPA support this being secured by condition.

It is also welcomed that the applicant confirms all environmental monitoring obligations for former landfill activities required by the Environmental Permit (as regulated by the EA) remain extant.

It is recommended that the LPA be satisfied that the proposed development would be acceptable in landscape and biodiversity terms. The MWPA support any such provision/mitigation being secured by condition and/or legal agreement as appropriate.

[Summary – 10/07/2025] The landfill has operated under several planning permissions over the years, however, the two key extant permissions which remain relevant to the site are WSCC/088/10/UB (which relates to the main area of the former putrescible landfill site) and WSCC/042/19 (which relates to the northeast area of the site – also referred to as the SSSI area).

The final placement of restoration soils and seeding on the main landfill area was completed in July 2013. The SSSI area was restored by 2020 and moved into aftercare in 2021. Extant planning permissions set out required restoration provisions for the site and conditions

require ongoing aftercare for significant periods (60 years for the large extent of the landfill). Conditions also require ongoing monitoring of gas emissions and provision of topographical surveys. WSCC is currently the responsible authority for compliance/monitoring of these matters, so the will also be the subject of various aftercare requirements as may be specified in an Environmental Permit regulated by the Environment Agency (e.g. the provision and monitoring of leachate and landfill gas management, ongoing review of surface and groundwater water quality and capped surface integrity etc.). The comments of the Environment Agency will therefore be key in establishing the acceptability of the proposals regarding any environmental risk and potential conflict with ongoing management requirements of the landfill.

The WSCC approved and completed restoration for the landfill comprises species rich grassland fields, hedgerows and scrub, and deciduous woodland aimed to be in keeping with the surrounding landscape and to provide enhanced ecological value. The WSCC approved aftercare plan also provides for investigation of low intensity sheep grazing once established.

It is evident that the proposed solar development would primarily be located on the grassland covering the main restored landfill area and largely seeks not to impact on the surrounding establishing woodland. Nonetheless, it would likely result in some impact upon the establishing grassland area, the loss of bisecting hedges, and potentially part of the establishing woodland area to the southeast of the site.

Whilst restoration has been completed, the landscape and ecological success of the site will rely, to a large extent, on the continued management of the establishing habitats. To that end there remains significant opportunities for further ecological enhancement and after use to be delivered, as part of the approved aftercare scheme (for a period of 60 years). The LPA will, therefore, need to be satisfied that the proposed development would be acceptable in landscape and biodiversity terms, and crucially, must recognise the baseline condition position for the site is the approved restoration (i.e. a 'restored' area, albeit with limited potential for suitable uses/agriculture given its previous use). It is somewhat concerning that limited detail appears to have been provided in respect of how the development would ensure that the integrity of the landfill cap would not be compromised (e.g. precautionary methods of working, shallow anchors, carefully designed cable runs etc.) and no consideration has seemingly been given as to whether increased loading could affect settlement. Further, no details have been provided regarding the measures/designs proposed to ensure that any existing landfill infrastructure (e.g. gas/leachate infrastructure and groundwater monitoring points) would not be affected, and how ongoing monitoring of the landfill would continue (including details of the responsibility/mechanisms in place to ensure that it would).

Further details are advised so that the LPA can satisfy themselves regarding the above matters, in consultation with the Environment Agency as appropriate. Further discussion between WSCC / LPA regarding the interaction with any extant planning permissions and ongoing conditional requirements for the underlying landfill site is advised, if it is expected that any permissions would run in parallel.

3.12 **Lead local Flood Authority**: No Objection.
[Summary final comments – 20.03.2025] A Flood Risk and Drainage Strategy Addendum has been prepared and reviewed to account for the local flood risk issues and surface water drainage at this location. Conditions advised.

[Summary – 10.12.2024] Updated documentation (Flood Risk Review – prepared by Egniol, 24 January 2025, REF ECL.9910.R05.001) has been reviewed, but details are still required.

[Summary – 10.12.2024] Additional information has been provided and assessed, however no network calculations have been provided along with surface water modelling

[Summary – 22.04.2024] More information is required to demonstrate that flood risk will not be increased elsewhere. As a minimum, perimeter drainage will be required to capture exceedance during rainfall events, and details of permeable paving for access tracks.

3.13 **Environment Agency:** No Objection.
[Summary] The Environment Agency (EA) raise no objection and recommend two planning conditions on previously unidentified contamination and a construction environmental management plan (CEMP).

3.14 **West Sussex Fire and Rescue Services:** Advice
[The consultation responses states that Advice has been provided by the WSFRS to the applicant] WSFRS to engage with and work with developers on solar PV / BESS sites to ensure it complies with the statutory responsibilities enforced by the WSFRS. The developer is expected to produce a risk reduction strategy as the responsible person for the scheme, covering construction, operational and decommissioning phases, in collaboration with the WSFRS. A number of recommendations are made in relation to the design of the site, and in relation to what should be included in the emergency response plan, which should be regularly reviewed and maintained by the occupier and any changes notified to the WSFRA. Fire risk can be minimised by including a number of measures and recommendations, such as, but not limited to:

- Early warning / detection / monitoring systems
- Containment design to limit fire spread; separation, fire-resistant materials, thermal barriers, thermal barriers
- Sprinkler systems, sufficient supply of fire-fighting water, and / or fire hydrants
- Safe route for fire appliances / alternative access, manoeuvring space

PUBLIC CONSULTATIONS

3.15 **Upper Beeding Parish Council:** Objection.
The application in principle is to be supported, however the location is not suitable in its current state.

Upper Beeding Parish Council's concerns and reasons for objecting are:

- The location close to the Grade 2 listed building.
- Loss of historic trees and hedgerow.
- Support the WSCC concerns regarding the flooding and the effect of the panels on the flood management.
- Possible loss of amenity due to the loss of access through footpaths.
- Loss of visible amenity, as the panels will be visible from the SDNP and all roads.
- Noise pollution caused by the wind and rain on the panels.
- Incongruous to the street scene.
- There are concerns regarding the structure being compromised by the digging of the foundations of the panels.
- There are concerns regarding the decomposing waste under the surface, methane gas, leachate seeping into the local water course.
- WSCC need to be involved as the waste management authority.

Representations:

3.16 Nine letters of representation have been received to date in regard to this application, two from one address. Of the nine letters, eight raise objections and one raises comments.

3.17 <u>Comments:</u>
The comments raised are in regard to the recently planted tree landscaping along the southern section of the application site and raising concern over their potential loss to

facilitate the proposed development. Comments are also raised over the potential wider landscape impacts and amenity impacts to the residential properties to the south of the application site.

3.18 Objections**:**

The key concerns and reasons for objection are as follows:

- Proposed loss of trees and hedgerow.
- Wider landscape impacts.
- Ecological impacts.
- Impact to listed building.
- Potential overshadowing and lighting, particularly with regard to height of solar panels and invertors, and topographical difference between site and residential properties to the south.
- Do not consider site photography accurately represents existing site vegetation and how well it is established.
- Noise impact/disturbance such as a hum or whistle from the solar panels.
- Unclear who is responsible for the management of the site.
- Possible landfill compaction or damage to landfill cap and subsequent leaking during installation of solar panels.
- Batteries on site and fire safety.
- Unclear if landfill will be reopened and how this will work with solar panels.
- Insufficient public consultation by the Council or the applicant. Request a community liaison group.
- Unclear if WSCC Minerals and Waste or EA have been consulted and need them to confirm the proposal is ok, including the proposed planting changes.
- Request application is considered at committee.
- Unclear what the correct name for the applicant is as inconsistent between documents.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

Principle of Development

6.1 Nationally, Chapter 14 of the NPPF deals specifically with climate change and renewable and low carbon energy proposals, directing the planning system to support the transition to net zero by 2050. The NPPF goes on to set out that there should be positive local strategies in place that *'maximises the potential for suitable development, and their future re-powering*

and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts)' (para 165). Local Planning Authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy (para 168).

6.2 The accompanying Planning Practice Guidance to the NPPF sets out that planning for renewable and low carbon energy remains important as the ability to '*increase the amount of energy from renewable and low carbon sources will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions and slow down climate change and stimulate investment and new jobs and businesses.'* ('Renewable and Low Carbon Energy'; para 001). Officers note that para 032 of the NPPG recognises the role which BESS installations can play in the wider national decarbonising ambitions: *'Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.'*

6.3 In June 2023, Horsham District Council declared a climate emergency and biodiversity crisis, aspiring to achieve a District-Wide Carbon Net Zero target by 2050. As part of the Climate Action Strategy (approved by cabinet, January 2024), it is noted that Horsham lags behind the national average for grid electricity met through renewables. Therefore, there is a district-wide ambition to decarbonise the district's energy consumption by maximising local low carbon and renewable energy generation, setting out a medium-term goal of encouraging large-scale low-carbon and renewable energy generation and storage solutions, which will in turn, take pressure off the national grid and reduce reliance on imported gas and electricity (Horsham District's Climate Action Strategy).

6.4 Policy 35 of the HDPF states that development will be supported where it makes a clear contribution to mitigating and adapting to the impacts of climate change and to meeting the districts carbon reduction targets as set out in the Council's Acting Together on Climate Change Strategy 2009. Such measures include the use of decentralised, renewable and low carbon energy supply systems. Policy 36 supports the provision of renewable energy schemes where they do not have a significant adverse effect on landscape and townscape character, biodiversity, heritage or cultural assets or amenity value, whilst Policy 2 supports development which adapts to climate change and helps to reduce the district's carbon emissions.

6.5 The Upper Beeding Neighbourhood Plan does not include policies directly addressing the delivery of renewable energy schemes such as the application proposals.

6.6 The South Downs Local Plan (adopted July 2019) recognises that proposals for ground-mounted solar arrays within the National Park can lead to significant impacts on the landscape character and visual amenity, which may not be appropriate within the park, but policy SD51 requires a site-specific analysis of the proposal to accompany any such submissions to ensure that the potential impacts can be appropriately balanced against the resulting landscape implications. The consultation response returned from the SDNPA requests that the Council carefully balances the positives derived from the provision of renewable energy generation against the potential negative impacts on the setting of the National Park, considering that the proposal is likely to present as a 'large area of incongruously dark ground cover', although the submitted documents were unclear on just how much the site currently contributes to the green rural character of the wider area.

6.7 Having regard to the overriding national and local policy framework, it is considered that the principle of the proposal would be supported as the potential to deliver a significant amount of renewable energy, along with an on-site energy storage system (BESS), which creates a means to store the generated solar power so that it can be released back to the grid when needed.

6.8 Subject to all other considerations as discussed and assessed below, it is considered that the principle of development would be in accordance with local and national planning policies.

Impact on Landscape Character

6.9 Policies 2, 25 and 26 of the HDPF recognise the rural character and undeveloped nature of the countryside has a value that requires protection from inappropriate development. HDPF policy 36, which specifically addresses renewable energy schemes cites that permissions will be granted where there is no '*significant adverse effect on the landscape character*', whilst policy 33 also requires development '*to relate sympathetically to the landscape'*.

6.10 Paragraph 135 (a, b and c) of the NPPF requires developments to '*function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development', 'are visually attractive as a result of good architecture, layout and appropriate and effective landscaping',* and *'are sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'.*

6.11 The Council's Landscape Consultant has acknowledged that the application site comprises a capped and restored former landfill site, and that, furthermore, the site itself is not subject to any local landscape designations. However, there are a number of landscape designations within the site's surroundings, including the close proximity of the South Downs National Park (approx. 400m to the south-east) and Horton Wood (ancient woodland) to the immediate north. The Horton Clay Pit SSSI to the north-east of the site is a geological site, whose interest exists below ground. Furthermore, the River Adur corridor is identified as a Site of Nature Conservation Importance (River Adur Water Meadows and Wyckham Wood), and there are extensive networks of PRoW and permissive paths near the site, including the South Downs Way, Monarch's Way, and the Downs Link.

6.12 Taking account of these matters, the Council's Landscape Consultant has not assessed the application site as forming a 'valued landscape' as per the definitions of paragraph 187 of the NPPF.

6.13 The proximity of the site to the low-lying River Adur corridor, and the elevated views available from the South Downs National Park, both of which include a network of PRoW and public access, leads to this site being visible within the wider panoramic landscape views and forming part of the setting of the South Downs National Park. Paragraph 189 of the NPPF requires that '*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues'*, and development within the setting of these areas should be '*sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'* Further, there is now a statutory duty placed on local authorities to further the purposes of National Parks by seeking to avoid harm and ensure developments contribute to the conservation and enhancement of the natural beauty, special qualities and key characteristics of the protected landscape.

6.14 The consultation comments received from the SDNPA reiterate the statutory purposes and duty of the National Park, which are:

Purpose 1*: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.*

Purpose 2*: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.*

Duty*: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.*

Further to this, the SDNPA consider that the resulting impact of the proposed development would '*present as a large area of incongruously dark ground cover',* but acknowledge that it is not currently clear to what extent the site currently contributes to the rural landscape character. The resulting benefits arising from the generation of renewable energy will therefore need to be weighed against the potential impact on the setting of the National Park.

6.15 A number of amendments and clarifications have been received in response to the Council's Landscape Consultant's comments dated Dec 2024. The first was the clarification on the likely cumulative impact of the proposed solar farm in conjunction with the approved solar installation at Huddlestone Farm to the north-west of the site, as shown in Viewpoints 2, 3 and 16. The location of the consented Huddlestone Farm solar installation (DC/22/0100) some 2km to the north west has been clarified, with the Council's Landscape Consultant acknowledging a misunderstanding of the Huddlestone Farm location. Further amendments include the retention of the existing hedgerow that crosses the site and additional woodland planting to the southern side and the north-western corner. The increased shrub and woodland planting within these areas are therefore welcomed. These would present additional biodiversity features and would provide some beneficial filtering of the resulting views once mature and in leaf. Furthermore, a condition is suggested to require advance planting of some vegetation to allow this to begin to provide screening benefits prior to the installation of the proposed solar farm.

6.16 The aforementioned network of PRoW does not enter the site or cross the proposed development site itself, thus maintaining some distance, both visual and physical, from the proposed solar array. The resulting public views available from the identified PRoW and other viewpoints would therefore be limited to the mid-range and long-range.

6.17 Officers acknowledge that the resulting impact would endure for some 40 years of the envisioned life-span of the array, which is a considerable length of time in human terms. It is also acknowledged that the mitigating landscape and biodiversity enhancements would only begin to form within 1 year of implementation, with the more meaningful visual screening envisaged by year 15, leading the panels appearing more exposed in the landscape in the early years.

6.18 However, the site is well contained and comprises a single field that is a former landfill site. The proposals have sought to address the key aspects of the identified landscape concerns raised as part of the consultation and assessment process. Whilst the proposed array would result in an element of urbanisation within a predominantly rural landscape, the overall impact has been calculated as being negligible within 15 years.

6.19 The submitted LVIA identifies a number of viewpoints within which the proposed solar array would be visible, which officers can concur with, and the rising topography to the south create elevated views of the application site, albeit within a much wider panorama that includes pylons telecoms masts, residential, agricultural and warehouse development. Following the submission of additional viewpoints and clarifications, the Council's Landscape Consultant has been able to assess the likely cumulative effects arising as a result of the proposed development in conjunction with the extant permission for a large-scale solar farm at Huddlestone Farm to the west of the site, and raises no concerns, noting that the cumulative impact will be negligible, particularly after 15 years. It is further considered that early implementation of the mitigatory planting to the peripheral areas, would be beneficial in this instance.

6.20 Therefore, the proposed development is not considered to raise a conflict with policies 25, 33 & 36 of the Horsham District Planning Framework (2015) and would not adversely impact on the setting of the South Downs National Park. In reaching this conclusion great weight has been given to the requirement to conserve and enhance the landscape and scenic beauty in National Parks, and to the statutory duty to further the National Parks statutory purposes through its conservation and enhancement.

Heritage Assets

6.21 Policy 2(13) of the HDPF supports development which protects, conserves, and enhances the District's built heritage whilst ensuring that new development is safe, well designed, adapts to climate change and helps to reduce the District's carbon emissions. Policy 34 of the HDPF recognises that heritage assets are an irreplaceable resource, and as such should be sustained and enhanced through positive management of development affecting heritage assets. Policy 34 (6) further requires development to secure the viable and sustainable future of heritage assets through continued preservation by uses that are consistent with the significance of the heritage asset.

6.22 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty of decision makers to '*have special regard to the desirability of preserving the* [listed] *building or its setting or any features of special architectural or historic interest which it possesses.'* Consistent with this statutory requirement, Chapter 16 of the NPPF recognises the importance of heritage assets and their irreplaceable nature, and so seeks to conserve these in a manner appropriate to their significance.

6.23 Having assessed the proposal and the proximity to the nearest heritage asset (Nightingales), the Council's Heritage officer is of a view that the likely impact would be '*indirect'*, with '*adequate distance that the impact will not be harmful*'. As such the proposal would not lead to any adverse impact on the setting of the identified heritage asset, thereby raising no material conflict in terms of national or local planning heritage policies.

Amenity Impacts

6.24 Policy 33 of the HDPF states that development should consider the scale, massing, and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties and ensuring unacceptable harm to amenity of neighbouring properties, such as overlooking or noise, is avoided.

6.25 Considering the time-limited construction period, and the fact that the construction activities would utilise the existing access route into the site, it is not anticipated that any adverse levels of disturbance would occur to the residential amenities of the nearest properties, being Nightingales and Oaklands to the south, Briarsfield and Oxcroft to the north.

6.26 The application is accompanied by a detailed Glint and Glare Assessment which assesses 29 residential receptor points, high-level aviation, approach paths for runways, air traffic control tower, and roads for potential impact. Of these, there are a potential 11 properties from which solar reflection is geometrically possible and a 700m stretch of Shoreham Road. When considering the existing surrounding landscaping, **no** impact is predicted at these 11 properties, and similarly, no practical solar reflection would be anticipated in practice to the public highway. In respect of impacts on aircraft, the assessment considered all 6 airfields / aerodromes within a 10km radius. The assessment concludes that low-impact / glare outside of field-of-view is predicted at Folly Field Airfield and Truleigh Manor Farm Airfield, and a 'low potential for temporary after image' has been identified for the high-level aviation assessment to Frieslands Airfield, Hickstead Airfield and Bowford Airfield. These potential impacts are not considered significant according to FAA guidance, and therefore are acceptable with no mitigation required. Officers see no reason to disagree with this conclusion.

6.27 It is acknowledged that the Parish Council have raised concerns to the proposal on account of potential noise caused by wind and rain on the panels. However, officers are aware that low-level noise tends to typically be attributed to the inverters and transformers which are, in this instance, at least 200m distanced from the nearest residential properties. No harm from noise is therefore anticipated.

6.28 Therefore, it is not considered that the temporary construction period would lead to permanent and adverse loss of residential amenities on the occupants of the identified properties, or to the nearby airfields, such that conflict with policy 33 of the HDPF would arise, and that furthermore, there would be no adverse impact to residential amenities as a result of the proposal.

Highways Impacts:

6.29 HDPF Policy 40 supports development which provides safe and suitable access, minimises traffic conflict with highway users, and is integrated with the wider network of routes. HDPF Policy 41 requires adequate parking and facilities to meet the needs of anticipated users.

6.30 The Highways Authority has assessed the proposal and the use of the existing site access, noting there is likely to be an increase in vehicular movements during the construction traffic, but notes the site's former use as a landfill site and historic traffic movements associated with it. It is also noted that once completed, there would be minimal traffic movements associated with the ongoing operations. The pre-existing filter lane on the A2037 is also noted, allowing any vehicles turning right into the site to wait and maintain free flow of traffic on the south-bound lane of the A2037.

6.31 Overall, officers concur with the overall assessment of the Highways Authority and acknowledge the existing access route into the landfill site and the current power plant use. All site operative parking is to occur within the site, with the public highway incapable of accommodating any on-street parking, waiting or deliveries, with details set out in a submitted Construction Traffic Management Plan (CEMP). Furthermore, all HGVs to the site would be routed along the A272/ Cowfold Road, which is a main trunk road within the district. Notwithstanding the framework CEMP submitted, the Highways Authority would recommend further details are secured by way of a site-specific Construction Management Plan condition.

6.32 Subject to approval of details set out by way of the suggested condition, it is not considered that the proposed construction or operational phases of the development would lead to any adverse impact on the existing highway network, as required by HDPF policies 40 and 41 and paragraph 115 of the NPPF.

Biodiversity, Ecology and Trees

6.33 HDPF policy 31 sets out the principles of maintaining and enhancing existing networks of green infrastructure, biodiversity, and woodland, along with introducing compensatory ecological mitigation measures where appropriate. The mandatory national requirements in relation to the 10% BNG applies to applications lodged after 12th February 2024 and therefore applies to this application, which was submitted in March 2024.

6.34 Paragraph 193(a) of the NPPF indicates that when determining planning applications local planning authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. Developments resulting in the loss of irreplaceable habitats (such as ancient woodland and ancient, or veteran trees) should be refused, unless there are wholly exceptional reasons (such as infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists (para 193c).

6.35 Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and

opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

Ecology

6.36 The submitted documents include a Reptile Survey – Population Assessment (Environmental Business Solutions, July 2024) and Preliminary Ecological Appraisal Report (E3P, February 2024), with revisions to pick up on comments received from the Council's Ecological Consultant. Furthermore, Landscape Strategy Drawing No. AW0242-SK-01 RevE (AWscape, November 2024) provides details on new native woodland planting, scrub and hedgerows, along with the planting of species-rich meadow grasslands.

6.37 Following review of the revised and additional information in support of the proposal, the Council's Ecological Consultant is satisfied that there is sufficient information to enable determination and certainty over any likely impacts over priority and protected species, such as Bats, Otter, Water Vole, Great Crested Newts, and Reptiles: Adder, Slow Worm, Sand Lizard, Grass Snake and Common Lizard. Accordingly, a number of planning conditions are advised.

Biodiversity

6.38 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

6.39 The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement. The BNG measures are set to be achieved by way of new hedgerow planting outside of the red line site boundary, new native woodland planting, gapping up and restocking existing hedgerows where thin, and creation of species rich meadow grassland both within and outside the red line. This constitutes significant onsite and offsite mitigation which requires securing and monitoring via a s106 legal agreement.

Trees

6.40 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure, whilst Policy 33 of the HDPF also requires developments to presume in favour of the retention of existing important landscape and natural features, including trees.

6.41 The Council's Arboricultural Officer has reviewed the proposal and notes that a small section of ancient woodland lies some 80m to the north-west of the site, but would not be impacted by the proposal. New beneficial native woodland planting is proposed which would create landscape linkages.

Conclusion on Biodiversity, Ecology and Trees

6.42 The requirement to protect and enhance biodiversity and geodiversity is set out under paragraphs 187, 192 and 193 of the NPPF, and reflected in HDPF policy 31. Overall, the revised proposal would achieve a net biodiversity gain (BNG), by way of the planting of scrub, native hedgerows, trees, creation of grazing grassland and wildflower grassland and increase foraging habitat, as required by para 187(d) of the NPPF. It is suggested that these

measures be subject to a long-term LEMP (Landscape and Ecological Management Plan) condition.

6.43 Overall, subject to conditions the proposal would accord with HDPF policy 31, and paragraphs 187 and 192 of the NPPF. The nature of the proposal would allow wildlife corridors and 'stepping stones' to remain present within the application site to accord with the district's wider Nature Recovery Network ambitions, and would deliver an 18.60% net gain in habitat units and a 99.51% net gain in hedgerow units to meet the statutory requirement.

Other Matters:

Fire & Safety

6.44 The proposed solar development includes a BESS (Battery Energy Storage System) in the south-western corner of the site, some 470m distanced from the nearest residential properties. The applicant has provided further details on the type of batteries to be used for this installation, which are to be Lithium Iron Phosphate. According to the manufacturers details, these types of batteries are more stable and less susceptible to posing a fire risk than their more common counterpart: Lithium Ion. Officers understand that Lithium Iron Phosphate batteries appear to offer lower toxicity, higher safety, increased thermal and chemical stability, along with a longer life-span. There also appears to be a lower risk of thermal runway with Lithium Iron Phosphate batteries.

6.45 However, despite the type and nature of the proposed batteries being used for the BESS, officers have had regard to the 'Draft NFCC Grid Scale Energy Storage System Planning – Guidance for Fire and Rescue Services' (July 2024), noting that the local FRS advice will take precedence. Officers note that the Fire Service will work with the applicant / developer directly to ensure the risks associated with accessing the site in an emergency, increased impact of traffic on the ability of the service to attend any local emergencies, and on-site risk management protocols are in place for fire-fighting, and to develop an emergency response plan, which will be kept under review with the Fire Service directly. It is for the applicant to liaise directly with the local Fire Service to prepare an Emergency Response Plan, which should be kept under regular review.

6.46 The following aspects are noted to assist in reducing potential harm:

- Reducing proximity with vegetation around the BESS to prevent / reduce fire spread and wildfires (10m clear zone)
- Providing safe access for responders including an alternative entrance to the site to avoid having to enter through vapour clouds / toxic plumes – access from an 'upwind' direction
- Prevent the risk of fire spread by ensuring distances between BESS units or other site infrastructure – unit separation distances
- Implementation of risk management procedures and protocols (including suppression and detection systems)
- Provision of sufficient water supply (either an on-site hydrant or a static water supply of not less than 25 litres / second for 120 minutes (around 180,000litres)
- Bunded lagoons to contain any water run-off in the event of a fire

6.47 The applicant has submitted an Outline Fire Strategy in order to address the above, with also states that a secondary access is available to the northern perimeter of the site in the event of emergency access being required from an 'upwind' direction. Furthermore, the BESS would be provided with an impermeable bunded area an isolation sump to avoid any potential fire-fighting water run-off being discharged into swales, or the existing landfill drainage or leachate systems. The site plan would also include a 5m vegetation exclusion zone to the BESS and no scrub or trees within 10m. The applicant has suggested a planning condition to secure the submission of a more detailed fire strategy / fire report prior to commencement.

6.48 The PPG: 'Low Carbon and Renewable Energy' was updated in August 2023, advising local planning authorities that, on applications for BESS over 1MW, they should consult with the relevant local fire and rescue service prior to deciding the planning application, so that '*matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runway, and emergency services access can be considered before an application is made'*.

6.49 Accordingly, the WSCC Fire and Rescue Service (FRS) have reviewed and engaged with the applicant on this proposal. They raise no objection to the proposed development, subject to the proposed control measures being secured.

6.50 With this in mind, the proposal has demonstrated that the fire risks of the development proposals can be suitably mitigated in this location, also noting the intention to utilise Lithium Iron Phosphate batteries. Subject to a condition requiring the submission of a Fire Risk Strategy (condition 6), the proposal would therefore accord with the provisions of policies 24, and 31 of the HDPF (2015).

Restoration of the Landfill Site:

6.51 Officers recognise that the application site comprises a former landfill site that has been restored and remains under a long-term (60-year) management regime, as approved by the WSCC Minerals & Waste Planning Authority (MWPA). As a result of the proposed development, there would be an overlap between the solar farm and its on-site BNG, and the wider restoration plan area. The MWPA would therefore require an amendment to be made to the approved aftercare provisions, and submitted for consideration to the MWPA, separately. The current application site, would, in the event of permission being secured for the solar farm, fall under the subsequent planning controls of the Horsham LPA.

6.52 The submitted 'Technical Note - Monitoring and Management (V4)' sets out the interaction of these areas, and acknowledges the key actions and monitoring provisions, with the peripheral restored areas remaining subject to MWPA consent and control. Although not prejudicing their position insofar as any future submissions made to the MWPA to revise the approved restoration and aftercare plan, the MWPA has indicated that the principles put forward under the Technical Note (V4) appear to accord with the established restoration and aftercare provisions.

6.53 The proposed development therefore is considered to have referenced, and taken account of, the pre-existing land restoration program and is capable of installing the proposed solar farm and associated infrastructure without adversely impacting on the areas of biodiversity and landscape, along with drainage, leachate control, existing perimeter drainage ditches or the existing Horton Power Plant, that have been previously established under the WSCC approved landfill restoration and remediation schemes.

Drainage and Flood Risk:

6.54 The land immediately surrounding the watercourse is located within Flood Zones 2 and 3, with the rest of the site in Flood Zone 1. The proposed site accesses and development area is located within Flood Zone 1. There is also a low, medium and high risk surface water pathway between the northern and southern fields, which originates on site. There are some small areas of medium surface water flood risk within the development area, with surface water depths of 300-600mm, however no built development is proposed in these areas. As no medium and high surface water flood risk is located where built development (solar panels or the BESS) or accesses are proposed, a sequential test is not required in this case in accordance with NPPF paragraph 175. Some of the proposed built development would be located within the low surface water pathway, however paragraph 27 of the NPPG is clear that a sequential test is not required where the site is in an area of low risk of any flooding, therefore a sequential test is also not required in this case.

6.55 On this latter matter, it is noted that the LLFA raised an objection to this application on grounds on a number of matters, including appropriate climate change modelling, lack of details such as sections through ponds, basins and swales, SuDS easements to be shown, water quality during construction given potential discharge to sensitive watercourses, details of existing drainage network. A series of updated documents have been submitted and reviewed by the LLFA, with the latest revisions now being found to be acceptable.

6.56 Therefore, a number of planning conditions have been suggested by the LLFA to require construction drawings of the drainage network prior to commencement, followed up by maintenance and management details of the SUDS scheme and a survey of the completed SUDS features to ensure adherence with the approved details, would provide the necessary control mechanism to ensure that suitable drainage mechanisms and features would be and have been implemented across the site as identified.

6.57 Subject to approval of details set out by way of the suggested conditions, Officers are satisfied that the potential flood risk would be suitably mitigated for, as required by HDPF policy 38 and paragraphs 181, 182 and 187 of the NPPF.

Water Neutrality:

6.58 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

6.59 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

6.60 In this instance, there is no clear or compelling evidence to suggest the nature of the proposed development would result in an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The proposal does not include the provision of staff facilities within the site, with regular maintenance visits anticipated only.

6.61 Whilst there may be some water use during construction work, this has previously been agreed by Natural England to form part of the historic baseline of construction water use experienced in the district prior to the Position Statement. It is not considered that the weekly maintenance visits would create a mains water demand with the applicant confirming that the proposed development would not be connected to the mains. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions:

6.62 The issue of climate change has grown significantly in national and international importance, reflected in a series of policies and strategies that seek to promote and support renewable and low carbon energy generation, including the 25 Year Environmental Plan; the Sixth Carbon Budget; the UK Net Zero strategy; the Energy White Paper; the Environment Act 2021; the British Energy Security Strategy; the Net Zero Strategy: Build Back Greener as well as local climate change action priorities, including Horsham's own Climate Action Strategy – Jan 2024.

6.63 The proposed solar farm would have the ability of generating some **12.5MW** of renewable energy, along with an on-site battery storage facility up to a storage capacity of **4MW**, providing a stable energy supply, and associated storage capacity. This is a substantial benefit that attracts significant weight in the planning balance, particularly with the site being able to utilise an existing grid connection which is already in place at the site. Overall, the proposal would contribute towards achieving the UK's Net Zero target. Given this imperative, the benefits of this proposal attract significant weight in mitigating the effects of climate change.

6.64 Although there is clear support for large-scale solar farms and BESS developments within the context of national policy, it is important that such facilities are appropriately located. Furthermore, the siting of BESS installations need to take account of the advice set out by the National Fire Chiefs Council (NFCC). In this instance, with the proposed mitigation and enhancement planting the proposed development would not give rise to significant adverse landscape and visual impacts. The proposal is also NFCC compliant and would additionally not give rise to increased risk of flooding both on and off site. The site is also sufficiently distanced from nearby residents such that the proposal would not result in adverse residential amenity impacts nor adversely impact the preservation of local heritage assets. The proposal would achieve a biodiversity net gain on site of some 18% habitat units, and 99% hedgerow units, and is acceptable in regard to highway safety

6.65 In assessing the proposal, officers are fully understanding of the potential landscape harm, including on the setting of the nearby South Downs National Park, and local concerns expressed in relation to degradation of rural quality, views, landscape character. Officers also acknowledge that the significant need for renewable energy does not override the impact on local amenity and landscape, noting that protected areas and landscapes, such as National Parks and National Landscapes, rank higher than undesignated areas, with the paragraph 189 of the NPPF directing authorities to place 'great weight' to their conservation and enhancement, and there being a statutory duty to further the conservation and enhancement of such protected landscapes. The proposal is considered to accord with this duty.

6.66 Whilst the proposals would impose a significant element of 'man-made intrusion' onto the landscape, notably by way of the scale of the proposed installation, the design and size of the fixed panels, and the associated infrastructure necessary to support a solar PV and BESS installation, Officers also acknowledge the recent open sand quarrying processes that were operational at the application site. The proposal is therefore accompanied by robust mitigatory landscape enhancements and planting, details and specifications of which would be secured by way of a planning condition in the event of an approval, which seek to work within the existing framework of the landfill restoration works, and would retain and enhance existing planting across the site.

6.67 Overall, the proposed development is not considered to give rise to any harm that could not be adequately mitigated or which would outweigh the significant benefits arising by way of the scheme, including delivering positive net biodiversity gains to the site along with other ecological enhancements and the potential for carbon sequestration and ongoing restoration of the former landfill site. This also weighs in favour of the proposals, and would deliver long-term objectives and benefits, controlled by way of planning conditions.

6.68 The recommendation of officers is therefore to permit the application, subject to planning conditions and a legal agreement (to secure BNG).

7. RECOMMENDATIONS

7.1 To approve planning permission subject to the completion of a s106 legal agreement and the following conditions.

Conditions:

1 **Plans list**

2 **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

3 **Temporary Permission:** The use of the land hereby permitted for generating electricity shall be discontinued on or before 40 years from the first operational use of the solar photovoltaic panels, in accordance with a scheme of works to be submitted to and approved, in writing, by the Local Planning Authority at least 3 months before the expiry of this permission. The scheme of works shall include:

- Method statement for decommissioning and dismantling all equipment on site;
- Details of any items to be retained on site;
- Method statement for restoring the land to agriculture;
- Timescales for decommissioning removal and reinstatement of the land;
- Method Statement for the appropriate disposal / recycling of redundant equipment / structures;
- Provision for the review of the scheme as necessary.

The scheme of works shall be implemented in accordance with the agreed details and the land restored to its former use within 3 months of the written approval of the scheme of works.

Reason: The Local Planning Authority would not normally grant permission for such a use of land in this location, but it is considered reasonable to allow the development for a limited period in accordance with Policies 25, 30 and 33 of the Horsham District Planning Framework (2015), and to ensure that the site and its established Green Infrastructure is protected and restored in an appropriate manner consistent with the aims and aspirations of the original Restoration Plan or otherwise agreed Landscape and Ecology Management Plan, Biodiversity Net Gain Strategy or Green Infrastructure strategic outcomes.

4 **Pre-Commencement Condition:** Prior to the commencement of development, a landscape management (LMP) shall be submitted to, and approved in writing, by the Local Planning Authority. The LMP should include:

a) Drawing/s showing the extent of the LMP i.e. only showing the areas to which the LMP applies, areas of private ownership should be excluded
b) Written Specification detailing:
c) All operation and procedures for soft landscape areas; inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter, removal of temporary items (fencing, guards and stakes) and replacement of failed planting.
d) All operations and procedures for hard landscape areas; inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges, and painted or finished surfaces.
e) All operations and procedures for surface water drainage system; inspection of linear drains, basins and swales, removal of unwanted vegetative material and litter including inlets and outlets.
f) Maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.

Reason: To deliver Biodiversity Net Gain enhancements across the site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and Policy 31 of the Horsham District Planning Framework (2015).

5 **Pre-Commencement Condition:** Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement, shall be submitted to, and approved in writing, by the local planning authority in consultation with the Local Lead Flood Authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (dated 27 September 2024, REF 23-0775 REV 02) and Drawings (Drainage Strategy – dated 04 March 2025, REF ECL.9910.D05.001 REV A) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with the NPPF and Policy 38 in Horsham District Planning Framework.

6 **Pre-Commencement Condition:** Prior to the commencement of development, a detailed Fire Strategy / Safety Report shall be submitted to, and agreed in writing by the Local Planning Authority, in consultation with the Fire & Rescue Service. The Fire Strategy / Safety Report shall have regard to the latest guidance and shall be subject to periodical review as necessary. The approved Fire Strategy / Safety report shall be fully implemented prior to first operation of the site, and the measures within the Report shall be operated, maintained and retained as such thereafter.

Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Pre-Commencement Condition:** Prior to the commencement of development, a Construction Environmental Management Plan to deal with the risks associated with contamination of the site in respect of the development hereby permitted, shall be submitted to and approved in writing, by the local planning authority in consultation with the Environment Agency. Any changes to this document will require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

8 **Pre-Commencement Condition:** Prior to the commencement of development, details of advance planting to the proposed new native woodland planting areas and strengthening planting to hedgerows and existing planting areas shall be submitted to, and approved in writing, by the Local Planning Authority. Implementation of the agreed advance planting will need to be carried out prior to any other construction work, or in accordance with an implementation timetable agreed in writing with the Local Planning Authority.

Reason: In order to ensure key structural / screening landscape planting is carried out at the earliest opportunity, in the interest of the landscape character and amenity of the locality, and the character, setting and significance of heritage assets in accordance with Policies 2, 25, 30, 31, 32, 33 and 36 of the Horsham District Planning Framework (2015).

9 **Pre-Commencement Condition:** Prior to the commencement of development, a scheme of hard and soft landscaping shall be submitted to, and approved in writing, by the Local Planning Authority. The details shall include, but not be limited to:

a) Boundary treatment for the site
b) Any proposed changes in ground levels
c) Accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection

which shall comply with the recommendations set out in the British Standards Institute publication BS 5837:2012 Trees in relation to design, demolition and construction

d) Details of specific materials, colours and finishes of paved or otherwise hard surfaces and other built features. The plans should clearly show the position of any new fencing and hard surfaces in relation to existing and proposed planting.

It is recommended that an alternative to plastic guards, such as the use of perimeter protective fencing where appropriate, or guards manufactured from 100% biodegradable materials, are used. The approved landscaping scheme subject of Condition 9 shall be fully implemented in accordance with the approved details within the first planting season following the installation of the solar panels.

Reason: In order to ensure key structural / screening landscape planting is carried out at the earliest opportunity, in the interest of the landscape character and amenity of the locality, in accordance with Policies 2, 25, 30, 31, 32, 33 and 36 of the Horsham District Planning Framework (2015).

10 **Pre-Commencement Condition:** Prior to the commencement of development, details of all flood resilient and resistant measures, shall be submitted to, and approved in writing, by the Local Planning Authority, in consultation with the Local Lead Flood Authority and the Environment Agency. The agreed measures shall then be installed and maintained in perpetuity.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework.

11 **Pre-Use Condition:** Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Lead Flood Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 10. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy 38 in Horsham District Planning Framework.

12 **Pre-Use Condition:** Prior to first use of the development, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

a) Purpose and conservation objectives for the proposed enhancement measures;
b) detailed designs or product descriptions to achieve stated objectives;
c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
d) persons responsible for implementing the enhancement measures; and
e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details, and shall be retained in that manner thereafter

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015).

13 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (E3P, February 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015).

14 **Regulatory Condition:** The development shall be carried out in accordance with and in recognition of the extant restoration, aftercare and monitoring programs permitted by West Sussex County Council set out under the 'Technical Note - Monitoring and Management (V4)' (by RJK Consulting Ltd, received 01/07/2025). The applicant is advised that separate consent will need to be sought from West Sussex Country Council for relevant amendments.

Reason: In order to ensure key restoration works and landscape enhancements are maintained in the interest of the landscape character and amenity of the locality, in accordance with Policies 2, 24, 25, 30, 31, 32, 33 and 36 of the Horsham District Planning Framework (2015).

15 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 and in the interest of the amenities of the locality as required by Policies 30 and 33 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

16 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

17 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority in consultation with the Environment Agency, detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

BNG condition

Informative:
Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

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