PLANNING COMMITTEE REPORT

TO:	Planning Committee South
BY:	Head of Development and Building Control
DATE:	21st May 2024
DEVELOPMENT:	Construction and operation of a solar photovoltaic farm and associated infrastructure including transformers, inverters, DNO Substation, customer switchgear, security cameras, fencing, access tracks and landscaping.
SITE:	Land at Cobwood, Burnthouse Lane, Cowfold
WARD:	Cowfold
APPLICATION:	DC/23/2172
APPLICANT:	**Name:** Low Carbon Solar Park 31 Limited **Address:** 2nd Floor, Stirling Square, 5-7 Carlton Gardens, London

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

By request of Councillors Lambert and Knowles.

RECOMMENDATION: To approve the application, subject to appropriate planning conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 The application seeks full planning permission for a solar farm and associated infrastructure. The overall site area comprises some 74.4ha of agricultural land, used for both pasture and arable fields. Within the application site area, the 'developable' area comprising the panels would be some 45.7ha, split into 7 field parcels north of the A272 / Cowfold Road and 8 field parcels to the south side. The solar array is stated in the Design and Access Statement (DAS) as generating approximately 49.9MW of renewable energy (equivalent power for some 16,581 family homes per year). The application is therefore being assessed on the basis of generating a maximum of 49.9MW, as 50MW or over would be dealt with as a NSIP (Nationally Significant Infrastructure Project) and determined by the Planning Inspectorate (on behalf of the Secretary of State).

1.2 The proposals have been amended during the course of consideration to arrive at the above quantums, with two parcels of panels now omitted from the plans to address landscape impacts (part of field parcel 9 and 13). Although the area enclosed by the proposal is calculated to have been reduced by around 2.2ha, the overall MW capacity is stated to remain as per the originally estimated 49.9MW.

1.3 The site selection factored in the connection to the existing 33kv overhead lines, which run through the area. The site therefore includes a small tract of land on the eastern side of Stonehouse Lane, which would facilitate enable a relatively short cable route and connection to the grid point / overhead lines. The individual parcels would be connected via underground high-voltage cable runs.

1.4 The application site is all located on Grade 3b agricultural land (Nb the NPPF defines 'Best and most versatile agricultural land' as Grades 1, 2 and 3a). The current proposal has been the result of public consultations carried out by the applicant and has been refined and reduced following public interaction and officer discussions.

1.5 The estimated life-span of the installation would be some 40 years, after which the site would be decommissioned and dismantled, with associated works subject to discussions with the LPA at the time.

Panels:

1.6 The panel array would comprise a ground-mounted metal frame with posts (spiked foundations) driven some 1-2m into the ground, and therefore with no need for concrete foundations. The panels are to be fixed in linear rows, some 4.293m wide each, with separating gaps between the panel rows of 3-4m. At the highest point, the panels would reach 3m (when tilted at 27degrees), with a lowest point some 0.6m above ground level. Panels of some 4m in height would be used in areas of surface water flood risk. The DAS clarifies that there are some elements which are not yet fixed, such as the exact specification of the panels to be used, and so the assessments are based on a 'worst-case' scenario and maximum parameters such as height. The submitted parameters plan therefore sets out development zones rather than a defined layout at this stage.

Associated Infrastructure:

1.7 The proposed solar farm development would connect to the Distribution Network Operation (DNO) network via the overhead 33kv line that crosses the site and would enable the renewable energy to be exported directly to the national electricity grid. The connection to overhead lines would be via an underground cable route across land at Stonehouse Farm.

1.8 The supporting documents refer to the applicant's benefitting from an accepted grid connection to the DNO for 2025, which illustrates that the proposed solar farm could be brought online within a short time-frame, and thus securing renewable energy production capacity for the site.

1.9 A submitted Alternative Site Assessment accompanies the application with a 1km radius either side of the 33kV overhead transmission line which is required for the site to connect into. According to the search criteria, there were no alternative sites available under one land ownership of a size comparable to the application site, on land on lower grade agricultural land, within the 1km distance to the overhead line, with no rooftops or brownfield land sized to accommodate the proposed 49.9MW generation.

1.10 Wider infrastructure that would accompany the panels includes the following:

- 10 x Inverter (12.2m x 2.5m x 2.5m[h]) – located in field parcels 1, 2, 4, 6, 9, 10, 12, 14 and 16 and set on concrete bases
- 2 x DNO Substation (8m x 6m x 4.1m [h]) – located at the entrance to field parcels 6 and on land east of field parcel 8

- 2 x Customer Substation/ switchgear (10m x 4m x 3m[h]) – located in field parcels 6 and on land east of field parcel 8
- 2m high deer proof perimeter fence
- Security / CCTV cameras on poles up to 4m in height, approximately every 50m around each parcel perimeter fence

Temporary Access /Haul Route

1.11 Vehicular access to the parcels would be by way of three points:

a. Via the existing access track to Cobwood House – field parcels 1-7
b. To the South of Clockhouse / Clockhouse Cottage – field parcels 8-11
c. To the south of Champions Corner Cottage – field parcels 12-16

1.12 The PROW network would remain open and accessible throughout the works, with appropriate signage advising users of the construction vehicles, and the use of a Banksman to facilitate safe access and egress of vehicles.

1.13 During construction, site compounds would be located within field parcels 5, 8 and 12.

1.14 Compacted internal crushed aggregate tracks to allow vehicular access between fields are to be laid having a width between 3.5m and 6m. These connect the associated plant and equipment onsite.

1.15 There is to be an estimated 20-30 weeks construction period with some 12 LGV (Large Goods vehicles) expected to arrive each morning and leave each evening (Mon – Sat), and some 6 HGV movements per day during construction. Additionally, some 17 staff / contractor vehicles would travel to / from the site each day during construction.

1.16 The creation of a 6m access route / temp haul route would require the removal of a section of hedgerow (Parcel 1), but the route avoids more significant tree root protection areas. The loss of this section of hedgerow is to be replaced elsewhere on site as part of a wider landscaping scheme.

Mitigation / Ecology / Biodiversity:

1.17 Landscape planting, biodiversity enhancements and surface water attenuation measures are included as part of the current proposal, which would also include the protection of ancient woodland, trees and hedgerows. Gapped up and new hedgerow planting is proposed, along with scrub and wildflower buffer zone planting.

1.18 Grassland habitats are to be established and or remain underneath and between panel rows, which would enable sheep grazing. Further environmental measures identified include: 15m buffer zone to the Ancient Woodland with buffer zones panted with scrub and Wildflower ecotone (approx. 24.62 ha), new hedgerow planting and gapping up, retention and maintenance of existing hedgerows within the site to a min height of 3m (when running north-south), retention of 10m buffers to existing watercourses, reinforcing an existing culvert on site, 30m exclusion zone around an identified protected species habitat, and 30m buffers to any ponds which have been identified as being positive for GCN.

Ongoing Maintenance

1.19 It is envisaged that the panels would need cleaning every 3-4 years with distilled water being brought onto the site for this purpose.

1.20 Typically, it is envisaged that some 4 maintenance visits each week would be expected by car / LGV following completion of the solar farm.

DESCRIPTION OF THE SITE

1.21 The application site straddles the A272. Cowfold Road, some 980m west of the village of Cowfold. It lies within in a rural area with residential and farm properties dotted around the site, including a number of grade II listed buildings:

- The Clockhouse, lies east of parcel 8 – some 300m
- Bowshots, lies north of parcel 13 – some 27m
- Little Patches, lies south of parcel 9 – some 200m
- Trenchmore Lodge, lies east of parcel 6 – some 109m

1.22 The land is in agricultural use and considered to be Grade 3b (*moderate quality agricultural land - capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.)*

1.23 Two public rights of way (PRoW) run through the southern parcels, whilst to the north, only one PRoW runs close to the site, but not through it. Footpath 1757 runs through field parcels 9 and 10 between Cowfold Road (A272) and Stonehouse Lane, Footpath 1824_1 runs through field parcels 13 and 15 connecting to paths 1828 and 1830 and Cowfold Road /A272 and Footpath 1822 to the north. Footpath 1759 runs east of Stonehouse Lane and across the proposed cable run route to the overhead line. North of the A272 / Cowfold Road, Footpath 1745 terminates at Burnthouse Lane and Footpath 1810 runs some 56m north of field parcel 3. It is to be noted that all of these paths are footpaths only, and not defined as bridleways.

1.24 There are no Archaeological Notification Area (ANA) within or close to the site but there are several areas of ancient woodland abutting the site:

- Little Cobwood - east of field parcel 1
- Great Cobwood – south of field parcel 1 and north of field parcel 6
- Broomfield Shaw – south of field parcel 9
- Moon Wood – south of field parcel 16

1.28 The bulk of the site falls within Cowfold Parish, with the westernmost parcels 12-16 falling within West Grinstead Parish.

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 2023)

Horsham District Planning Framework (HDPF 2015)
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 11 - Tourism and Cultural Facilities
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 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 41 - Community Facilities, Leisure and Recreation

Horsham District Local Plan (2023-40) (Regulation 19)
Policy 1: Sustainable Development
Policy 6: Climate Change
Policy 7: Appropriate Energy Use
Policy 8: Sustainable Design and Construction
Policy 9: Water Neutrality
Policy 10: Flooding
Policy 11: Environmental Protection
Policy 12: Air Quality
Policy 13: The Natural Environment and Landscape Character
Policy 14: Countryside Protection
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Policy 23: Infrastructure Provision
Policy 24: Sustainable Transport
Policy 25: Parking

RELEVANT NEIGHBOURHOOD PLANS
Cowfold Neighbourhood Plan
The Cowfold Neighbourhood Plan has progressed through Examination but cannot proceed to Referendum on account of Water Neutrality and the Habitat Regulations. Relevant policies:
Policy 1 - Groundwater and Surface Water Flood Risk
Policy 2 - Green Infrastructure

West Grinstead Neighbourhood Plan (June 2021)
Policy 4 - Green Infrastructure: Existing Trees, hedgerows, habitats and wildlife

PLANNING HISTORY AND RELEVANT APPLICATIONS
None relevant

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 **Landscape Consultant**: Comment - conditions suggested in the event of approval 28th March 2024 [Summary]:

- Additional information and photomontages have been reviewed and these are considered to be a fair representation of the expected visual effects of the development
- Concerns regarding the proposed colour and finish of the proposed DNO Substation (Photomontage EDP11), where these features are not associated with existing or

proposed screen planting – suggest a matt finish and alternative colour to better blend in with winter landscape when views of the features would be most noticeable, and be locally appropriate (e.g. clad or housed in a locally appropriate material similar to small scale agricultural / equine buildings)

- Although layout plan has been amended, the landscape strategy has not been amended accordingly
- Concerns of the arboricultural officer regarding impingements on RPAs is shared and their recommendations are supported
- Removal of panels in field parcel 13 is noted and offset from north boundary of parcel 10 may now help to reduce earlier concerns of visual effects resulting from loss of longer distance views. The submitted EDP Response to Landscape and Heritage provides additional Type 1 visuals (Additional Photoviewpoint EDP A and B) and long distance sections between Place Services is a traded service of Essex County Council the Monastery to the viewpoint on the A272 (EDP7947_d018 - A272 Section). While the section illustrates a "view cone", we are unable to tell whether the Blue line represents the proposed height of the Arrays, which would still appear to intervene in the views. We would therefore welcome further details which demonstrate that the views to the monastery and South Downs can be retained while effectively screening the proposed development. This could be in the form of a more detailed section, limited to the road in the north, through parcels 10 and 9. This could also be supported by photomontages of Additional viewpoints A and/or B.
- Reduction in field 9 now provides a larger offset from residential receptors at Northstone Cottages, vehicular traffic on Stonehouse lane and would reduce the duration of travel alongside arrays on PRoW Cowfold_1757. While this will reduce the likely visual effects, we have concerns about the arbitrary boundary alignment of the security fence and any potential mitigation planting which may accompany development. We would suggest that this is reviewed, and consideration be given to the historic field pattern (see extract of 1879 OS map below for illustrative purposes). There are two mature trees T62 and T83 standing within the centre of the parcel which would appear to be on the historic alignment. The inclusion of T62 within the security fenced area is also of concern, therefore we would suggest the below would be considered a more sympathetic alignment in landscape terms. We would support planting of a hedge along this boundary, subject to agreeing its alignment and would not anticipate that this would interfere with views of the monastery from Additional Photoviewpoint K
- Decommissioning details would still be welcomed prior to determination
- Landscape mitigation strategy should also be agreed prior to determination

28th Feb 2024 [Summary]

- No reference has been made to *'GLVIA3 Statement of Clarification 1/13'* (2013), and *'Planning guidance for the development of large-scale ground mounted solar PV systems: Appendix A'* (2013) prepared by the Building Research Establishment (BRE). The submitted LVA has generally been carried out accordance with the principles set out within the *'Guidelines for Landscape and Visual Impact Assessment'*, Third Edition ('GLVIA3') (2013) prepared by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA).
- The purpose of this consultation response is to ensure that the submitted assessment accurately represents the likely effects of the development and where necessary provides adequate reduction and compensation measures so that these can be considered in the planning balance. The missing Appendix (EDP 4 Photomontages) should be submitted in order to review the likely effects fully.
- The need to consider cumulative effects in planning and decision making is set out in the NPPF and specifically states *"that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and / or*

from a number of sites in a locality". We would therefore recommend that a statement of cumulative impact with other local renewable energy projects is submitted.

- The Proposal has retained and enhanced the existing hedgerows and trees – which is welcomed. However in order to provide visual screening the management of existing hedgerows may need to be adjusted and new hedges have been proposed which, while having an ecological benefit, would create changes, which aren't necessarily sympathetic to the historic field pattern.
- A Decommissioning and restoration plan is recommended to be submitted prior to determination to ensure that the landscape can be returned to a functional agricultural.
- It is recommended that the applicant to explore opportunities to manage funds generated by the income from the development to improve the condition of the landscape. The principal objective is to compensate for the landscape impact of the development by providing a long-term legacy of landscape compensation. Although planting has been proposed to act as mitigation on site boundaries, further enhancements within the wider landscape should be explored, specifically in those areas where visual receptors may experience adverse impacts or where a community benefit can be provided e.g. creation of new PRoW or permissive routes which link to the wider network or provide quieter routes for recreational use.
- It is noted that the existing field boundaries to Parcel A have been enclosed by the proposed security fence - concerns this may result in losses or damage to existing vegetation and also would reduce the north-south connectivity for wildlife. We defer to the LPA Ecologist with regards to any proposed habitat offset and any recommendations for movement/connection points required within the proposed fence line. The eastern extent of field 7 is considered and that the solar array fields are offset from the boundary with the A272. There are several sections where there is a significant level change, where the road surface is elevated allowing views down into the fields. Further information is required to demonstrate how this adverse visual effect will be mitigated appropriately.
- While a buffer area has been proposed to Stonehouse Lane, it is recommended that this is pushed back further to where the public footpath turns the corner. This will provide additional offset from residential properties, Stonehouse Lane itself and reduce the duration of travel alongside the arrays for PRoW users.

3.3 **HDC Conservation Officer**: Comment

1st May [Summary]

- The amendment (to set the panels away from the boundary with the Clockhouse) would enable a greater transition between the array and the adjoining listed building and is a positive and welcome change to the scheme.
- Although the change would result in a decrease in harm to the setting of the listed building, the proposal remains not inconsequential.
- The resulting public benefit in terms of green / renewable energy and less reliance on fossil fuels should be weighed against the less than substantial harm (at the lower end of the scale)

10th April 2024 [Summary]

- The indicative layout plan has been amended to reduce part of the array to the south of the A272 and reduce the array to the west of Northlands Cottages. It is considered that these changes would lessen the harm to the significance of St Hugh's Monastery.
- With regards to the Clock House the original Heritage Assessment identifies that the Clock House would be 70 metres to the east of the site, however from looking at our mapping system the boundaries adjoin, and the principle listed building is less than 50 metres away. The proposed development would introduce linear structures, utilitarian in appearance into the currently open rural landscape which adjoins the garden of the listed building.

- In assessing the impact on The Clock House para 5.57 of the Heritage Assessment identifies “the retention and improvement of the hedgerow boundaries, the grassland buffer proposed and additional planting, ensure that the Site will be seen and understood as part of the fieldscape within the agricultural hinterland of the asset.” From the plans submitted to date the grassland buffer is not clear with only a small space being placed between the site boundary, and the security fencing/ CCTV cameras. There would therefore be a change in character of the surroundings from open agricultural land to land containing solar arrays and the experience of the approach to the asset would alter due to the proximity of the solar arrays, fencing, and CCTV cameras on poles. This would cause harm to the setting and therefore the significance of the listed building. It would be considered that this would result in less than substantial harm at the lower end of the scale
- As set out in Para 208 of the NPPF where a development proposal would 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.

9th Feb 2024 [Summary]

- See comments within the body of the report: Consider removal of panels in parcels 8 and 13 would lessen likely impact

3.4 **HDC Environmental Health**: No Objections (conditions advised)
15th March 2024 [Summary]

- Following on from previous comments raised, a low frequency noise assessment has now been carried out. Assumptions are made on the type of plant to be installed so planning conditions advised to ensure that actual plant installed at the site do not exceed the background noise levels in accordance with BS4142:2014.

21st Dec 2023 [Summary]

- Multiple inverters used for each of the zones but no comment found on noise impacts other than in section 8.124 of the Design And Access statement which states:
  "8.134 It is notable that there are vegetation buffers located between infrastructure and residential receptors surrounding the Site, with those elements of infrastructure which will generate low levels of noise (i.e., inverters and substations) sited furthest away from sensitive receptors. These separations ensure there will be no adverse impact on amenity or the local community during the construction or operation of the Proposed Development."
- Inverters can be significant sources of low frequency noise which can become prominent in a rural setting away from other environmental noise sources such as road traffic. Has a noise impact assessment been submitted? Request further explanation of this comment including details of the locations and specifications of the inverters and other noise generating plant.

3.5 **HDC Environmental Health / Air Quality**: No objections (conditions advised)
[Summary]

- During site, preparation and construction there is the potential for local residents to experience adverse impacts from noise, dust and construction traffic movements. These should be minimised and controlled by the developer and a construction environmental management (CEMP) plan. Dust mitigation measures should draw upon the recommendations in s. 5.1.14-5.1.16 in the Air Quality Assessment report (Wardell-Armstrong, September 2019).
- Applicant should follow the IAQM guidance and implement all the general measures categorised as Highly Recommended.
- Advise that traffic avoid going through Cowfold AQMA when an alternative route is available (as part of CEMP condition)

3.6 **Arboricultural Comments:** No Objections (conditions advised)

26th March [Summary]

- The amendments to para 9.15 of the Arboricultural Reports are satisfactory, whereby the route of the swale was previously proposed within the RPA of T6 has been altered and is now located outside the RPA of T6
- The cable route will pass through hedgerow H15 and TPO groups G5 and G27, with the proposed use of an underground directional drill as identified, which would enable to cable to be installed without the need for any open trench excavations within these RPAs. This aspect will require additional Arboricultural Impact Assessment and Method Statement to be provided setting out the details on how the works will be carried out - to be submitted by conditions

7th March [Summary]

- Positive to see that RPA of T6 and other trees have been amended to consider constraints posed by the road on root development. AIA still refers to the Swale within RPA of T6. If this swale cannot be moved, then works need to be completed under Arboricultural supervision. However, given the undeveloped nature of the site and very high landscape value T6, there is no considered justification for development within the RPA.
- Lengths of hedgerows to be removed have been confirmed

19th Feb [Summary]

- A number of trees identified for removal are showing clear signs of Ash die-back disease, and overall the number of trees indicated for removal given the scale of the proposal is low. While the trees in question are visible from within the site, further afield from within the main areas of public activity they are not. The loss of these trees could be appropriate mitigated through replacement planting of suitably sized replacements.
- A section of H20 is proposed to be removed at the main access for areas 8-11 to allow for improved visibility splay. This also the reason stated for the removal of T8 and a section of H2 to allow for access to areas 2-7. Additionally, T69, and sections of H3, H4, H6, H27, H28, H29, H34, H38, H39 are indicated for removal to allow for internal maintenance access roads to be built as proposed; confirmation on the exact length of the sections of hedge proposed to be removed.
- Several sections of hedgerow are proposed to be removed to facilitate the erection of a new permitter security fence (H6, H9, H27, H38, and H68) - confirmation on the exact length of the sections of hedge proposed to be removed
- Concern regarding a proposed swale partly in the Root Protection Area (RPA) of a category A oak tree (T6). I have not seen any reference as to the extent of the encroachment as a percentage in the RPA of T6. However, T6 is a large mature specimen with a notable stem size and condition that will foreseeably become of veteran status in due course. Additionally, T6 has a very high level of amenity worth when viewed with the location landscape context and is of is of significant landscape value due to its size, form, and location directly adjacent to Burthouse Lane. The adjacent road is an unfavourable rooting medium and would have acted as a barrier to root development in this area, suggesting that most of the roots of the trees would be located to the west within the site. The RPA of T6 should be amended to consider the impact that the adjacent road will have on root development
- A new cable route is proposed to pass thought the hedge H15, and an additional section of cable is proposed to pass through G5, and G27, both TPO'd groups of trees – use of an underground directional drill would enable to the cable to be installed without the need for any open trench excavations with the RPA of H15 or the affected TPO trees in the area.

3.7 **Ecology Comments:** No Objection (conditions advised)

4th April 2024 [Summarised]

- Amended and additional documents have been reviewed and accept that 13 Ash trees need to be removed and 5 Common Oaks need to be pruned for safety grounds rather than for planning purposes – recommend a due diligence check for bats prior to work on these trees. All remaining trees with bat roost features will be retained and agree that no further surveys for bats are required – recommend appropriate compensation for loss of bat roost sources are in place in advance of works
- Non-licensed Precautionary Method Statement for Hazel Dormouse in Appendix A2 of the Outline Construction and Environmental Management Plan (Biodiversity) (Logika Consultants, February 2024) is supported in relation to the loss of habitat suitable for Hazel Dormouse, known to be locally present – to be secured by way of a planning condition
- Preliminary Ecological Appraisal (Tyler Grange, May 2023) identified suitable habitats and records of reptiles within 2km of the site. The Precautionary Method Statement for reptiles in Appendix A1 of the Outline Construction and Environmental Management Plan (Biodiversity) (Logika Consultants, February 2024) is supported and should be secured by way of a planning condition
- Submitted information now provides sufficient ecological information for determination and, certainty for the LPA of the likely impacts on protected and priority species and, with appropriate mitigation measures secured, the development can be made acceptable
- Proposed mitigation and enhancement measures set out in the submitted documents should be secured by condition and implemented in full.

16th Jan 2024 [Summarised]

- Preliminary Ecological Appraisal (Tyler Grange, May 2023) recommends more comprehensive surveys for potential bat roost features in trees are undertaken as the site contains woodland and scattered trees, although the Ecological Impact Assessment (Logika Consultants, November 2023) states that only the boundaries will be impacted and mature trees will be retained. Further information is requested, as bats may roost in immature trees in accordance with 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023) to establish whether Potential Roost Features (PRFs) for individual (PRF-Is) or multiple (PRF-Ms) bats are present.
- The Ecological Impact Assessment (Logika Consultants, November 2023) states in Table 6.1 that 60m of hedgerow is to be removed across 12 locations and the habitat to be lost may be used for dispersal of Hazel Dormouse - recommend that measures to protect Hazel Dormouse are provided in a precautionary non-licensed method statement.
- Numerous records for reptiles within 2km of the site and suitable habitats on site for reptiles (including scrub, neutral grassland and semi-natural broadleaved woodland) (Preliminary Ecological Appraisal (Tyler Grange, May 2023)) - recommend that measures to protect reptiles are provided in a precautionary method statement
- In addition, further information is required in relation to Biodiversity Net Gain as a baseline habitat plan has not been provided. It appears that watercourses are present on site and should therefore be included in the BNG assessment. In the text of the Ecological Impact Assessment (Logika Consultants, November 2023), the watercourse is referred to as a ‘stream’, but the BNG Metric 4.0 spreadsheet refers to two 'ditches’. If the watercourse is a small tributary of a main river, it will require a River Condition Assessment undertaken by a competent ecologist (i.e. someone who has undertaken MoRPH training). If the watercourse is a ditch, then this can be undertaken by someone who has not undertaken MoRPH training). In either case, the condition assessment sheets need to be provided for review. For ditches, watercourses within 5m of the redline boundary need to be considered, for rivers and

streams the buffer is 10m. We therefore recommend that a baseline habitat plan is submitted, together with clarification on the watercourses on site.

OUTSIDE AGENCIES

3.8 **WSCC Highways**: No Objection (conditions advised)
[Summary]

- The construction of the solar arrays will take place over an 18–20-week period, and will generate in the region of 12 LGV's, 17 staff and 6 HGV per day. Once operational the site will receive a minimal number of trips, up to 4 LGV's, for daily maintenance checking
- The proposed solar arrays will require the widening of existing field access points from the public highway and the use of 1 existing private access.
- Diagrams submitted with this application show the proposed access provision for the construction vehicles from each location.
- Cable Connection Access – no plans are provided for this as the types of vehicles using the access will be similar to the level and size used for farming activities and will only be used for a two-week period. WSCC would request the visibility splays for this access are also provided just to ensure they meet the recorded speeds along Stone House Lane, as this will be in use once operational.

3.9 **WSCC Rights of Way**: No Objection
[Summary]
Public Footpaths 1757 and 1824_1 run through the proposed development site, within the red line boundary. No impact on, or alteration of, the Public Rights of Way.

3.10 **WSCC Local Lead Flood Authority**: No Objection (conditions advised)
12th March [Summary]:

- Following review of Flood Risk Assessment (FRA), Drainage Strategy and further information to account for the local flood risk issues and surface water drainage at this location, details are in accordance with NPPF and local planning policy 38, provided conditions are secured.

6th January [Summary]:

- Objections raised in the absence of an acceptable Flood Risk Assessment and Drainage Strategy relating to ground water monitoring, impact on overland flow routes, erosion risk and channelised flows, freeboard from groundwater, consideration of location of the swales, compound areas, access track material and potential for any associated land raising and impact on overland flow paths.

3.11 WSCC Fire and Rescue: Comment
[Summary]

- A Risk Reduction strategy will need to be produced in collaboration with the Fire and Rescue Service, which should cover construction, operational and decommissioning phases

3.12 Archaeology: No Objection (subject to conditions)

3.13 NatureSpace: Comment
Due to the confirmed presence of great crested newts on site, a licence must be obtained for works. The applicant has joined the District Licencing Scheme and is currently awaiting the NatureSpace Report, which will include any conditions and informatives to add to any decision notice.

PUBLIC CONSULTATIONS

3.14 **Cowfold Parish Council**: Comments

We fully support renewable energy projects in principle and recognise their importance to our environment. However, this is provided that any such projects are sited in an appropriate location and include suitable mitigations so as to minimise any impact during the construction, operational and reinstatement phases.

We recognise that the proposals are situated on land that is classified as 3B and so is not prime agricultural land.

We recognise too that the applicants did request an Environmental Impact Assessment (EIA) Screening Opinion from HDC and that they responded that an EIA was not required. That was very disappointing, particularly as an EIA would almost certainly have been required if the capacity of the scheme had been 50MW or more. There must therefore be a suspicion that the applicant has deliberately limited the capacity of the scheme, in so far as they have actually done so, save on paper, specifically to avoid the need for an EIA. That does not sit well with local residents.

Our concerns primarily relate to traffic management during the construction phase and the environmental impact during the operational life of the project. We note that access to the sites is via the A272 and minor roads. Littleworth Lane and Stonehouse Lane to the Southern Location and Burnthouse Lane to the Northern Location. It should be noted that the A272 in this area has been subject to numerous accidents, some fatal, over past years, the last one, thankfully not fatal, as recent as 18 January 2024.

We ask for specific assurances on the following points: -

<u>Construction phase</u>

1. A detailed traffic management plan should be provided as part of the initial submission and that this should include concise information as to how;
    a. Vehicles will be controlled on Littleworth Lane, Stonehouse Lane and Burnthouse Lane.
    b. Vehicle access to and from the A272 will be managed.
2. A commitment that there will be no construction activity outside the hours stated on the initial planning application.
3. A full plan as to how the roads will be kept clean including the management of any run off water as a result of any cleaning processes.
4. Ensure that no Heavy Goods Vehicles associated with the project enter the Cowfold Air Quality Management Area.

<u>Operational Phase</u>

1. The applicant to volunteer a full independent EIA, whether or not this is a requirement, with evidence-based projections giving the specific levels of biodiversity net gain to be achieved.
2. Specific screening proposals to provide for minimal loss of amenity for those properties in the immediate vicinity.
3. Consideration to be given to securing free electricity for the benefit of those few properties most directly impacted by the proposed development in that they are surrounded on at least three sides by this proposed solar farm. We would suggest that for the avoidance of doubt, the properties should be identified at the outset.
4. Carry out and publish an independent full 24hour/7day acoustic assessment , prior to commencement, to establish a true ambient noise baseline.

Reinstatement Phase

1. The land to be reinstated, at the end of service or at the end of the term, whichever is the sooner, to its former state. The performance of this to be guaranteed by a Dynamic Decommissioning Bond.
2. The land then to revert to agricultural use.

Long Term Benefit

We propose that a commitment is given to fund the installation of a permanent 40mph speed limit. Specifically, along the A272 starting to the West of Park Lane, running Eastwards to meet the 30MPH limit at Cowfold. This should be in place before any construction can commence.

3.15 **West Grinstead Parish Council**: No Objection in Principle

The Parish Council have concerns about aspects of the proposed development, and to mitigate these concerns they would like to see:

1. A rigorous traffic management scheme in place before the work commences to ensure local residents do not have to live in fear of meeting large lorries on single track roads without adequate passing points; that the applicants make good any damage caused to the roads in the course of the works and that a guarantee be provided to ensure compliance.
2. Money be set aside by the applicants to pay for improvements to the Champions Gate junction to the A272 with Littleworth Lane and to provide grant funding for nature conservation and environmental projects within the 3 parishes affected of West Grinstead, Cowfold and Nuthurst.
3. A condition imposed that the land be reinstated on the expiry of the lease term and a guarantee provided to ensure compliance.

Representations:

3.16 To date, 151 letters of representation have been received. Of these, 31 letters are duplicates, 4 originate from outside of the district, and 4 are letters of support. Therefore, letters objecting to this proposal have been received from a total of 116 addresses points, including one letter received on behalf of the CPRE and one letter on behalf of the Cobwood Solar Community Alliance.

3.17 **Support:**

- Should be up to landowner to decide how fields are used
- We need solar power (as the best clean energy source) – more than ever
- Shame to axe such an environmentally friendly scheme purely because some people's views would be spoilt
- Unlikely to impact wildlife
- Positive approach to tackling climate change
- Until we as a country move away from fossil fuels the temperature will continue to rise. We must use solar and wind energy. Solar farms have shown to be good for wildlife and are not permanent.

3.18 **Objection**:

Wildlife / Biodiversity:

- Deer is a protected species according to the Deer Act 1991. With all the security fences deer will not be able to roam anymore between several areas as they can do currently - Fencing would prevent free-roaming for larger animals
- Noise of solar farms will scare wildlife into road
- What safeguards are in place to ensure biodiversity improvement are maintained and managed professionally?
- Located in 'radiant zone' of waves to weald – conflict with HDC's own NRN ideals
- Some great examples of solar installations which genuinely have sustainability and environmental at their heart – this does not appear to be one

- Just beginning to appreciate lasting effects of biodiversity loss on health and economy and agriculture - Unsubstantiated statement in the conclusion that the installation of solar panels would enhance the numbers of birds
- Woodland and grass fields capture more carbon than industrial development would - Loss of natural environment - Government should be better protecting our countryside not supporting the destruction of green fields and woodland
- Winter survey conclusions only – breeding bird survey should be caried out during breeding season – including ground nesting species - Lack of reference to wagtails, jays and pheasants in breeding bird assessment
- Dead birds and bats common as they mistake panels for water - Solar panels can negatively affect and interfere with natural ecosystem, and indirectly affect neighbouring ecosystems - Known bat colonies in the area--the population of these has been known to drop by 80% in a previous solar farm survey
- Police recommend 2-3m security fencing and 24/7 lighting and CCTV to discourage theft. This follows documented increase in crime around such sites. This will have a negative impact on our recognised wildlife corridors critical for green targets
- Conflict with NRN – glare damaging to birds, bats and insects
- Confirmed GCN DNA in local pond (Bowshots)
- Sightings of Polecat (protected species)
- White storks seen flying over western parcel / birds of prey hunt on open fields
- 70ha of agricultural land around the Cowfold Village will result in green space surrounding the village becoming increasingly industrialised, causing visual harm – unlikely that agricultural land will be viable in the future – if seals are damaged, toxic materials seep into the ground
- No detailed planting species lists available for review
- How will panels be cleaned and remain water neutral?
- Concerned about how the vibrations caused by the inverters will affect the local wildlife
- Unrealistic tree planting plan - for trees to be large enough to hide the PV panels, the trees will take too long to grow to fix the visibility concerns. Once they are fully grown they will over shadow our home. Trees also too close to the roads causing further implications to traffic and additional maintenance for the local council
- Loss of ancient woodlands and wild-life habitat
- Increase wildlife. How exactly? A few metres around the 17 fields sown with a grass seed and wild flower mix while the areas under the PV panels will die off and the bare soil will be washed away by rain water wash off from the panels. 2m high meshed fencing will surround the site, only allowing in small mammals (maybe some rabbits) may get through but badgers, foxes and deer will not.
- The field between the Camelia Botnar Site and the A272 adjacent to Littleworth Lane has been designated as 'wetland of significant importance' and an application to build on this field was rejected by the inspectorate at appeal when Camelia Botnar originally applied for the nursery that is now further south - Destroying countryside and natural habitats
- Fields threatened have a high incidence of rare reptiles.
- Untouched nature of much of the fields means that it acts as a carbon store, disturbance of which must be offset against any benefits claimed. It is also home to many wildlife species and forms a wildlife corridor across a significant area, which also being close to Knepp Castle, extends the effective corridors to the east of the Weald to Wave corridor
- Includes undulating fields bordered by large trees including oaks, ash, and deep ancient hedgerows which provide vital documented wildlife corridors
- Landscape and Ecology Strategy Plan shows that bufferzones for the newly planted hedgerows are partially located on private land - approximately 37 m from the northern boundary of Westlands Grange as "Design through Consultation". In fact this change had to be made, because the survey missed a cesspit on the proposed field, which serves 4 properties and need to be accessed from the land of Westlands Court.

Visual Amenity:

- Site cannot be assessed in isolation – must be considered alongside Rampion and Enso Battery Storage site
- West Sussex is open countryside with breath-taking views – walks around Cowfold will be ruined by development - Blight on a pristine rural landscape - Deployment of large scale solar farms especially in undulating landscapes can have a negative impact on the rural environment - Land Is not all flat so hedges won't hide the panels - Ugly panels - Vast vanishing rural area
- Potential fire hazard
- Solar great, but why do we need to cover up fields – rooftops or brownfield site, warehouses – unnecessary landscape scarring - planners should consider encouraging the effective use of land by focusing large scale solar farms on land previously developed & non agricultural, that is not of high environmental value - all new houses and buildings should be forced to have them installed - Live in a world ruled by technology where nature is a respite against that - Green field sites and woodlands being converted to developed brown field sites for the installation of solar panels. It is not good use of land
- Loss of amenity to the footpaths – loss of footpath which runs across the site from the rear of Westlands across the site and connects to an identified footpath – documentation back to 1903 and still being actively used
- Waste to destroy land only for the panels to be outdated in a couple of years and overtaken by newer and more efficient energy sources
- Solar farm, if it must be in a rural area, should be of a size that does not change the character of that area and changing the character of an area - thought that was not considered acceptable in a planning application - Enhancement' of rural area by way of solar panels? - First port of call for green energy should be where it impacts least – rooftops and brownfield sites and smaller scale solar farms – solar farms are not a solution to the climate problem
- There must be other suitable greenfield sites and ex-industrial lane where the solar farm could be constructed - Project is entirely unsuited to the site - We do need more low carbon development in the coming years, but this is entirely the wrong site for a development of this scale
- Buildings are ancient, some listed, and their settings will be materially affected by the development.
- Significant visual impact especially with the proposed screening. The Sussex countryside is generally open fields and hedges with far reaching vistas. This proposal will without doubt be a noticeable and distracting blot on the landscape visible form large areas on the South Downs, the National Park and it's footpaths. Screening itself will restrict vistas for ever and leave us with brown field sites throughout the west of West Grinstead and east of Cowfold - The reason for walking in this location will be lost as it will be industrialised
- Increase in house-building
- Ecology will change, there will be a mighty visual impact and vistas destroyed to provide some distant investment company who do not care about individuals with a high indefensible income - Eyesore on rural environment

Traffic / footpaths:

- Lanes to access the site are all very narrow, some being 6'6" restricted, therefore totally unsuited to HGVs delivering materials to site - Increased traffic - Havoc for drivers
- Limit speed on A272 to 40mph to minimise disruption
- Traffic mayhem - Local highway delays when A272 is blocked / closed by accidents - Combined with Rampion 2, increase in road pollution and disruption
- Fields used for Air Ambulance landing
- Increase traffic on narrow lanes will irrevocably damage them and remove these safe, quiet crossing points - Narrow, single-track lanes – extra traffic would be unsuitable and do enormous damage to the lanes

- Burnthouse Lane is a very narrow road and in poor condition with no passing places. It is so heavily used that it is deformed and with the edges dropping sharply off in places, caused by a combination of water flow and oncoming vehicles having to leave the road to pass each other. The section between the planned 'Northern Site' entry and the A272, apart from a short wider road section on entry, is not even wide enough for vehicles to leave the road to pass. Therefore should a south travelling vehicle meet one of the large HGV's that are going to be used, they will be forced to back up for possibly several hundred metres around blind bends and with the risk of severe damage to the vehicle should they drop off the road - as I doubt the HGV, especially if an artic, will be prepared or able to reverse - lane is also used by walkers and horse riders and is one of the main north/ south routes for cyclists, especially at weekends when they can outnumber cars. The construction work will continue on Saturdays, therefore large vehicles will still be visiting the site - cyclists and horses can't back up and there is nowhere for them to get off the road
- Only way residents of Westlands Grange, Westlands House, Westlands Court, Coachmans and Oaklands House can exit their properties on foot to get to Burnthouse Lane and then onto the footpath system or to Cowfold Village is by the footpath that runs between Maplehurst Road and Burnthouse Lane - directly behind these properties and bisecting the northern section. Unfortunately, until news of this proposed solar farm came to light it was not realised by the long term residents that this well used footpath had been removed from the latest O/S maps. It is shown on old maps and its last O/S map recording is dated 1975. Why it should have been removed is not known but on WSCC Imap for footpaths, there is an obvious gap where it should be between F.Ps 1821 & 1745. In this planning application there is a lot of mention of the protection of existing footpaths, but no mention of this one - assume that as it is not shown on the current maps the developers would not have known about it. Like to think that the current landowners were also not aware for the same reason although the previous 2 landowner certainly was. The residents directly affected, with the assistance of The Ramblers Association, are taking the first steps to getting the footpath returned to the map. Meanwhile especially in view of the national push to get people to walk rather than drive, part of any permission if made for this development should be that access to this path be retained
- Expect a large volume of construction/maintenance vehicles for up to 2 yrs. Burnthouse Lane and Stonehouse Lane are only single track used by horse riders from the 5 livery yards in both lanes and also cyclists
- Both access points to North and South sites are on a very dangerous section of the A272 where sadly several fatalities have occurred

Neighbour Amenity:

- No noise assessment submitted - Affected residents will lose environmental return without any recompense, financial or otherwise, simply to make money for the developers. Same for the value of homes, although this is not considered relevant in planning - 24-hour noise problem - Additional noise during construction) - The inverters will also add to the current noise pollution and continue through day and night - Having had solar panels installed in the fields at the rear of home, to have another load installed on the other side, will undoubtably make the vibrational hum noise (not audible by everyone) simply unbearable as whichever direction the wind blows the sound will be unavoidable
- High security required with light pollution will be detrimental to the mental health and wellbeing of those in the immediate vicinity - Plunged into the middle of an industrial estate
- Glare problem - Glint and glare and proximity inconsistence with the application – solar panels continue to cause issues with glint and glare – not yet been resolved on an industry-wide basis
- Metal health concerns (Stress and Anxiety during construction, Sleep Disturbance, Visual Impact) - Destroy any quality of life left living in Cowfold permanently

- Considerations applied to Clock House should also apply to other properties (Westlands)
- Impact on LB – no amount of hedging will disguise the radical change to their setting - Bowshots refused planning permission in 2007 to erect a 2m high acoustic front fence
- We have been advised that our properties will be substantially de-valued if the current proposal goes through. Furthermore we have been advised that our property would become harder to sell leaving us without any viable options to move should we wish
- Remove and adjust parcels to address destruction of amenity value to affected house – omit parcels 3, 4, 11 and 12, amend panel boundaries in parcels 6, 7, 9 (Oaklands, Coachmans, Westlands Grange, Westlands House, Westlands Court, Champions Gate Cottages, Northstone Cottages, Westlands Cottages - Properties will be surrounded by solar estate, no longer surrounded by countryside - Mitigations would take some 15 years to reach effectiveness – a generation in human terms – density of planting will be a 'light screen' at best – undulating landscape will not serve to even vaguely obscure sections of glint and glare from panels – applicant should consult affected homes to ensure any mitigation is more tailored and mature - Screening and greenery will not be applicable for 20 years, so steel and industrialisation of countryside will be visible as far as the eye can see form the house
- The Glint and Glare Study only regards effects on ground level. A lot of rooms are on the first floor and large parts of the land in the north can be seen looking above the existing hedges. This includes an office which is used during the day. The methodology doesn't fit the reality. The Glint and Glare Study says for dwellings 35-50: "Existing vegetation and/or intervening terrain is predicted to significantly obstruct views of reflecting panels." - There is no existing full hedge between our dwelling 37 (which comprises 3 properties: Westlands Grange, Westlands House and Westlands Court). Westlands Grange and Westlands Court have only partial hedges and Westlands House has no hedge at all to the land in the north (Oaklands house)
- Lots of existing hedgerows are very patchy and so the solar farm will be clearly visible for the next 15 years until newly planted hedgerows will be mature

<u>Policy / Justification</u>:

- Application not needed to provide renewable energy – harm to landscape, local plan and loss of amenities, therefore far outweighs the benefits - Lots of objection, little support and no local plan policies to support the proposal - Proposal does not comply with NPPF para 162 (158-163)
- Transmission queue currently stands at being 9 x the existing peak demand of 58.5GW (some 500GW) – therefore proposal is unnecessary and opportunistic
- There must be other / better sites with suitable connections to the OH network - Alternative sites which are actively being promoted - Speculative approach to submitting planning applications for solar farms that far exceed the national Grid Electricity System Operator estimates that will ever be required
- Locals will not benefit form reduced energy costs but will see a reduction in property prices - Hypocritical that solar farm is being pushed when cons outweigh the pros in regards to the wellbeing of the environment and habitat
- Application conveniently just under the national infrastructure threshold and extra studies that would therefore be needed
- The development of a huge solar facility with more than 74 hectares contradicts this objective - Horsham Local Plan on page 14 is "Identify and preserve the unique landscape character and the contribution that this makes to the setting of rural villages and towns and ensure that new development minimises the impact on the countryside."
- Proposed solar farm positioned between view of the of South Downs National Park, the solar panels will be visible from the South Downs (to Champions Gate Cottage) – enjoyed view for 120 years
- Overdevelopment of the area around Cowfold, including the Rampion 2 substation, two proposed battery storage facilities and a possible development of 3,500 houses at Buck Barn

- Money would be far better spent developing the technology to harness solar energy more efficiently. Much smaller panels that in some way concentrated the sun's energy would require far less land to be needed for siting the panels - land could be used to grow more of the nation's food and even flowers locally, thus saving our import bills and carbon emissions.
- It is estimated that the farm would generate around 49.9 MW, enough to power approximately 16,581 homes annually. This statement is incomplete - it MAY generate a maximum of 49.9 MW, at this time of year for maybe three hours a day. What will generate to replace that for the other 21 hours a day. Most solar farms generate a maximum of around 30 - 35 % of the stated capacity so output will be nowhere near the claimed 49.9 MW. BTW current solar panels have a useable life of nowhere 40 years
- Whole area will become one enormous energy unit, by the back door as there appears to be no mechanism for taking into account the cumulative impacts

Agriculture:
- Support for farms is more needed – need viable farmland rather than importing foodstuffs - We seem to endorse replacing productive farmland (essential for our national food supply) with solar farms, rather than the aforementioned roofing on domestic & industrial estates. The land in this application is not a brown field site & is currently utilised in food production by a local dairy farmer, one of the few left in this area - Loss of food security by using agricultural land
- Finding fodder for livestock is getting harder in local area – need to travel further away as loss of grassland – causing more pollution and longer travel distances
- Agricultural land categorised 4-5 is 'poor' not grade 3, as per the application site
- At a time when farmers are struggling, and food security is increasingly in jeopardy, it cannot be sensible to impact on one of the few local dairy farmers in the region.
- Swallowing up 17 fields of good agricultural land which has been diligently farmed for many years by a local farmer, who has now lost his livelihood - No real understanding on how this site will be returned to agricultural use once the lease is up - Disservice to farmers who will suffer financially and lose livelihoods
- Malton solar farm, N Yorkshire that was rejected (loss of biodiversity and agricultural land)

Environmental Concerns:
- How many employees will be travelling day to the site as well as contractors? – do contractors drive EV cars?
- Electricity probably be sold to France
- How will solar panels be recycled? 90% of most panels end up in landfill - Solar panels are hugely inefficient, not environmentally friendly - PV Panels have a lifetime of 25 to 30 years so every panel on the farm will have to be replaced at least once
- Hallmarks of a get rich quick, green washed scheme for the developers, with no regard to local people, wildlife or road safety - Solar farms are not good for the environment as they are being built on fields and forests therefore destroying the natural environment – better on rooftops and brownfield sites

Miscellaneous:
- Why is the developer applying for 40 years not 25 as per other solar farms?
- Due diligence to fact check submitted reports – e.g. BNG
- False information used to support the application - Planning application for a huge solar facility cannot be granted based on faulty and incomplete documentation
- Money-making application – doesn't have the community's best interests at heart - Profit motive should not prevail over the right place to put solar panels - Offers of financial 'community projects' should be disregarded until after the planning decision has been made so as not to influence anyone
- We are guardians of our land not the owners

- If approved, the following should be applied to follow meaningful mitigation for families and properties affected:
  - Properties should not be completely surrounded – consider removing one area, e.g. fields which directly border / adjacent to property or implement a substantial 50m buffer zone to provide some respite
  - Mature hedging to be planted at least 2m tall and fast growing
  - Use of access lanes and A272 presents a significant danger to life – 4 accidents witnessed since mid Feb 2024
  - Most affected properties should be given free discounted electricity to compensate for loss of property value
  - Adjust proposal to preserve footpath across the field to the rear of Westlands
- Unclear if the landlord has the legal capacity to enter into the transaction as Camelia Botnar is a charity – is there a financial feasibility to make good in the event that Cobwood fail to meet its obligations – should secure a bond to secure any damage
- No benefit to Cowfold and the surrounding area (such as cheaper electricity, community funds, etc.) to compensate for the disruption during construction, loss of fields and visual/amenity loss. It is purely for commercial gain
- Are Low Carbon Solar Park 31 Limited ring fencing an amount of money to restore the fields. Surely this will amount to many millions of pounds. Who's to say that in 39 years' time Low Carbon Solar Park 31 becomes insolvent leaving The Camelia Botnar Foundation to pick up the costs.
- Inadequate infrastructure
- High percentage of north facing land – effectiveness of panels?
- Consultation Report says "It is notable that the solar panels are designed to absorb sunlight, therefore there would be no significant issues associated with glint and glare." - If this is true, why are mitigation measures needed for affected dwellings, roads and air traffic according to the Glint and Glare Study

3.19 CPRE :

- Potential generation capacity should be recalculated based on latitude, cloud cover and seasonal variations in daylight hours – any assumptions should be declared as such
- Potential for functionality over 40 year to diminish

3.20 Cobwood Solar Community Alliance:

- Alliance is not against solar pawer ‘per se’ – many members already have solar panels and some work within the green energy industry
- HDC should secure financial guarantees of performance in the face of Low Carbon insolvency and failure to maintain the site and / or adhere to obligations
- Concern with CB’s ability as role of landlord and charity status in addressing issues or maintenance should the applicant fail – extensive photographs should capture the condition of the should and at the point of any permission so document its condition for alter remediation
- Lack of details on submitted traffic management plans for the construction phase – junctions from lanes onto A272 will require construction traffic to slow and take a wide sweep, and waiting times to exist onto the A272 can take 5mins or more, conflict with horses along the lanes
- Better exit point onto A272 than the proposed use of the field gate some 600m west of Pear Tree Corner, also use of Littleworth Lane would be better to gain access to southern parcel
- Table reference to ‘trips’ should read visits – would double figures in the table
- Reference to a banksman should be present not ‘can be present’
- Reference to muck control – what guarantees are there that slurry mick from wheel wash wont’ find itself into lanes and into watercourses? EA consultation?
- Will applicant be held responsible for damage to the lanes and verges caused by HGV traffic?
- Conflict in LVA between statements on Page 46 and 43

- Insufficient details within LVA, Glint and Glare study Ecological impact Assessment and Breeding bird assessment, transport report
- Inaccuracies in consultation report, glint and glare study, LVA
- Landscape and Ecology Strategy Plan
- Transport Report
- Evidence of footpath which crosses A272 and connects up with Westlands Driveway and around adjacent field

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

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.

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 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.

6.2 The Horsham District Local Plan (HDLP) is at Regulation 19 stage having passed through public consultation and currently carries low-moderate weight in decision making. Chapter 5 (Climate Change and Water) states that '*An increase in renewable energy provision, such as solar farms or panels may affect landscape and townscape character, but this needs to be balanced against the very significant longer term effects of climate change.'* Strategic Policy 6: Climate Change within the emerging HDLP goes on to state that '*Development proposals will only be supported where they include measures which contribute to achieving net zero carbon emissions across the District by 2050 at the latest. The Council will be supportive of a range of measures to achieve this target, including but not limited to:… The use of renewable and low carbon energy supply systems and connection to renewable and low carbon heat networks…*' Strategic Policy 7 (Appropriate Energy Use) of the HDLP further states that stand-alone energy schemes will be supported where there is no conflict with other policies in the (draft) plan.

6.3 Neither the made West Grinstead Neighbourhood Plan nor the post-examination Cowfold Neighbourhood Plan include policies directly addressing the delivery of renewable energy schemes such as the application proposals.

6.4 Nationally, Chapter 14 of the NPPF deals specifically with climate change and renewable and low carbon energy proposals, setting out that there should be positive local strategies in place that *'maximise the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)' (para 160).* Local Planning Authorities are encouraged to approve applications for renewable and low carbon development if its impacts are (or can be made) acceptable, and should not require applicants to demonstrate the overall need for renewable or low carbon energy (para 163).

6.5 The accompanying Planning Practice Guidance to the NPPF sets out 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)

6.6 The PPG acknowledges that there are no '*hard and fast rules about how suitable areas for renewable energy should be identified*'… and that renewable energy developments should be '*acceptable for their proposed location'*. However, although the PPG recognises that large scale solar farms can have a negative impact on a rural location, such as undulating landscape, it is stated that well-planned solar farms can be adequately screened to address concerns.

6.7 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).

6.8 Having regard to the above policy framework it is considered that the principle of the proposal would be in accordance with local and national planning policies, subject to all other considerations as discussed and assessed below.

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'. Policy 7 of the emerging HDLP reinforces support for standalone renewable energy schemes where they do not conflict with other policies in the plan. The pre-amble to this policy clarifies that such proposals will need to consider the impact they may have on protected landscapes, and to take account of views from protected areas, such as the South Downs National Park or the High Weald AONB.

6.10 Chapter 15 of the NPPF addresses impacts on the natural environment, requiring decisions to contribute to and enhance the natural and local environment by (amongst others) recognising the intrinsic character and beauty of the countryside and the wider benefits from

natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Valued landscapes, sites of biodiversity value and soils should be protected and enhanced (Paragraph 180), whilst great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and AONBs (Paragraph 182). Paragraph 182 further states that the scale and extent of development within National Parks and AONBs should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

6.11 The application is supported by various landscape documents, including revised photomontages to illustrate the impact of the proposals at Year 1 and Year 15 compared to the existing agreed viewpoints, and a LVA (Landscape and Visual Appraisal), with an amended site plan to take account of officer comments. The Council's Landscape Consultant (LC) has reviewed these documents, and has carried out a site visit, and agrees with the overall judgement made in the submitted LVA in relation to the predicted landscape effects at site scale and wider landscape character.

6.12 The LC notes that the area is *"undulating and has a network of hedges and woodland, some of which are ancient. There is a remote and undeveloped character to the majority of the site, with a minor detracting feature in the form of the A272 transport corridor which creates a level of road traffic noise and reduces the tranquillity of the site*". Furthermore, the LC notes that *"there are a number of PROW footpaths which cross and come into close proximity with the site. The Sussex Diamond Way and Downs Link long distance routes cross the wider local landscape but not the site"*. This was also noted by officers during a number of site visits to the area. The LC notes that "*the appraisal has identified visual receptors within the Study Area that are likely to have visibility of the Proposed Development. These include Public Rights of Way (PRoW) user, road users and local residents"*. These are found to be appropriate.

6.13 In addition, the LC acknowledges that "*in the assessment (Para 5.5), the fieldwork and photography used to inform the assessment were undertaken in June and September during full leaf cover. For a development of this scale and in such a prominent location, site visits and photography would have been expected to have been undertaken between December-February (Winter) to ensure that a 'worst-case scenario' is being appraised, however the assessment does state that this has been considered when making the judgement of visual effects"*. It is noted that officers carried out their site visits during these winter months when the most prominent effects can be more readily appreciated across the site, and therefore have a good understanding of the likely impact arising as result of the proposal.

6.14 Notwithstanding the above, officers note that the landscape itself is not subject to any designation at national or local level as per the hierarchy established by the NPPF (para 182). Whilst the High Weald AONB lies some 2km to the north-east, there is no visual interaction between the site and this AONB. Similarly, the SDNP lies some 8km to the south, and although there are some high points of the elevated Downs visible across the southern part of the site, these are glimpses between undulations of the intervening landscape. The site itself, when viewed from the elevated viewpoints available within the South Downs National Park, such as Truleigh Hill (some 12km south) and Chanctonbury Ring (some 12km south-west), would appear within a much broader landscape patchwork of distant villages, settlements and other landscape features and interventions. As such, officers are satisfied that there would be no adverse impact to the setting of these nationally important landscapes, in compliance with paragraph 182 of the NPPF.

6.15 However, despite the area not being subject to any local or national designation, the Council's LC acknowledges that this does not mean the landscape itself is of no value. The LC notes that "*as such it is not considered to be a valued landscape for the purposes of paragraph 180(a) of the NPPF but does contain a number of valued landscape qualities".*

The overall site assessment in the LVA concludes that the site has a medium / medium to low value, which the Council's LC agrees with.

6.16 The proposed application site straddles three Landscape Character Areas (LCA) as defined by the Horsham Landscape Character Assessment (2003):

- Area G4 (Southwater & Shipley Wooded Farmlands) to the west of Littleworth Lane: noted for its gentle undulations with strongly enclosed irregular patterns of pasture fields, with confined views, clumps of trees and a surprisingly remote character. The noise and visual intrusion of the A272 is noted in this area. Key issues identified arise from pylon intrusion, introduction of urban features at A24 / A272
- Area J3 (Cowfold & Shermanbury Farmlands) around the Clock House: noted to have a predominately flat to gently undulating landform, containing scattered copses and woods, narrow lanes (mainly north-south), mature Oak standards and a strong network of hedgerows and shaws. This area includes the landmark St Hugh's Charterhouse Monastery at Shermanbury, which has a tall church spire that is visible across this landscape. Key issues identified include the expansion of horse paddocks, loss of hedgerows and shaws, modern farm buildings and visual intrusion from pylons.
- Area M1 (Crabtree & Nuthurst Ridges & Ghylls) north of the a272: noted to have small – medium irregular and regular pasture fields, ancient hedgerow oaks and a strong pattern of woodland, shaws and hedgerows, with steeply wooded ridges and ghylls. Key issues identified include decline in hedgerow and coppice management and introduction of suburban features in localised areas, such as gates / fences.

6.17 For the purposes of this assessment, officers have split the application site into three sub-areas, which correspond with the above LCAs, and which are considered to be helpful in being able to independently assess the potential impact arising from the proposed development, and value of each area, according to its distinct character:

- Parcel A, comprising field parcels 1 through to 7 and being situated north of the A272 (within LCA:M1)
- Parcel B, comprising field parcels 8 through to 11 and being situated south of the A272, to the west of Stonehouse Lane (within LCA:J3)
- Parcel C, comprising field parcels 12 through to 16, and being situated south of the A272 and to the west of Littleworth Lane (within LCA:G4)

Parcel A

6.18 As identified in the LCA, this area has a limited interaction with public receptors, noting that one PRoW (FP_1810) lies within 50m of the north-west corner of field parcel 2, but that otherwise, there are no PRoW crossing through the site. Reference is made by local residents to an historic route running east-west across Parcel A. However, officers can confirm that there is no current record of a public path passing through Parcel A, and so any paths or tracks which exist are therefore likely to be of a 'permissive' nature, which remain at the land owner's discretion, and do not form part of the wider public rights of way network.

6.19 Field parcels 6 and 7 lie adjacent to the A272 and Burnthouse Lane and would provide a visual connection to the proposed development, with officers noting that the ground levels within the site lie higher than the roadways. Officers acknowledge that a number of residential properties lie close to or adjacent to Parcel A, but the impact will be assessed under the 'Neighbour Amenity' section of the report. Officers consider that the main sensitivity of this development lies with the following user groups:

- Residents / locals
- Users / walkers of the PROW (not a bridleway)
- Users of the roadways / lanes (motorists, cycles, horse riders)

6.20 Mitigations to Parcel A are proposed in the form of retained, enhanced and new site boundaries, including:

- A 10m 'no-build' buffer to watercourses and hedgerows,

- Gapping up the north-south boundaries with new trees, new hedgerows and hedgerow trees to screen views from nearby residential properties,
- Setting the panels away from residential boundaries (field parcels 4 and 6).

The applicants are also exploring the precise location of the customer switchgear, inverter and DNO units (field parcel 6).

6.21 Officers therefore consider that Parcel A would be visually more contained within defined and vegetated boundaries, and given the undulating topography, would therefore have a limited visual impact.

Parcel B

6.22 As identified in the LCA, Parcel B has a generally more open and flatter landform, which results in longer views available across the site. As picked up by officers from their site visits, by the LC and in the LCA, Parcel B is where the views of St Hugh's monastery are available from across field parcels 8, 9 and 10, with open views experienced from the PRoW (FP_1757). Whilst there is some loss of tranquillity on account of the heavily-trafficked A272 to the north, the openness and views experienced when facing south connect to the wider landscape beyond the site's boundaries, and allow for some long-range views towards the elevated South Downs. Residential properties are also located close to this parcel of the site, and any impact will be considered separately. Officers therefore consider that the main sensitivity of this development lies with the same user groups as Parcel A:

6.23 Whilst the PRoW (FP_1757) across this parcel is not a bridleway, there are a number of equine holdings noted within the local context of the site, with riders experiencing a higher viewpoint from the sunken lanes (Stonehouse Lane) and from the nearby paddocks. The officers site visits also noted that the A272 road corridor lies above the level of the ground within Parcel B, providing an elevated view for any passing motorists, with the mid-distant view of the St Hugh's Charterhouse Monastery spire clearly visible from sections of the A272 above the hedgerow, or through hedgerow gaps, particularly when travelling eastwards.

6.24 The Council's Landscape Consultant refers to this as follows:
"Views to the local landmark building of St Hugh's Charterhouse Monastery at Shermanbury was listed as a key characteristic of LCA J3 Cowfold and Shermanbury Farmland. We noted during our site visit that this view was present from the A272 across fields 10 and 9, with the view extending beyond to the south downs. While other views of the Monastery and South Downs are present throughout the wider landscape, this view contributes to a sense of place and aides in spatial orientation and should be retained. We have major concerns that the proposed layout and mitigation strategy are in conflict with the retention of this view."

6.25 With this in mind, the proposal has sought to adjust the line of fencing within field parcels 9 and 10, to provide users of the PRoW (FP_1757) with a more generous path of travel that allows clear views of the spire to be maintained across the fields, as well as moving the panels in field parcel 10 further back from the site boundary with the A272 / Cowfold Road.

6.26 Landscape mitigations to Parcel B include the following:

- Amendment to the northern extent of panels to field parcel 10, and amendments to the southern extent of field parcel 9,
- New hedge planting to the PRoW,
- A 5m 'no-build zone' either side of hedgerows within the site perimeter,
- Gapping up north-south hedgerows with hedgerow planting and trees,
- The use of existing field access point where possible.

6.27 Furthermore, officers acknowledge that there would be a proposed DNO (Distribution Network Operators) substation (8 x 5.4m x 4.1m high) and a customer switchgear unit (10x4m x 3m) located on the western side of Stonehouse Lane, set apart from the fenced enclosures of the panels. The LC raises the following concerns with this: *"This has been*

placed away from the existing field boundary vegetation with no screening. We would recommend that the location is reconsidered and screen planting added without creating an incongruous landscape feature."

6.28 Officers acknowledge this particular concern in relation to these physical elements of the proposal, particularly noting that these units would appear isolated from the solar panel array, and currently do not include external finishes specifications. However, Officers consider that an appropriate planning condition can be worded to require further details of this part of the proposal so that suitable mitigations can be considered.

Parcel C:

6.29 As identified in the LCA, Parcel C is generally flat in character within the application site, and is enclosed by strong field boundaries and established hedgerows. Officers note that the official line of the PRoW crossing this parcel (FP_1824_1) generally adheres to the field edges with the exception of field parcel 13, where the PRoW cuts across on the diagonal to the stile at the norther field edge, giving access onto the A272. During the site visit, the defined line of the PRoW was noted to have been redirected informally around field parcel 16, rather than entering in the south-east corner of field parcel 15 as per its official line. Officers understand from discussions with the PRoW officer that this is a situation which is being rectified, and that, for the purposes of this application, the official line of the PRoW should be progressed.

6.30 The Council's LC has also made reference to this deviated PRoW line through Parcel C. Officers consider that the main sensitivity of this development lies with the same user groups as Parcels A and B.

6.31 While road users are generally considered less susceptible to solar farm development, the LC finds that the rural nature of the routes (tourism and general appreciation of the countryside) would result in a higher sensitivity, with a view that field parcel 13 should therefore be removed from the proposal.

6.32 Amended plans have now been received which remove field parcel 13 from the proposal, and therefore provides an expanded area of appreciation for users of the footpath through Parcel C (FP_1824_1) is retained. The remainder of the PRoW through this parcel would be contained along its official line, maintaining a width of some 15m with the intervening hedgerow along its part retained and part of a wider landscape enhancement strategy. Considerations of the potential residential impact will be discussed separately in this report.

6.33 Landscape mitigations of Parcel C include:

- The aforementioned omission of panels in field parcel 13,
- A green PRoW corridor,
- 10m hedgerow and 15m ancient woodland buffers.

Conclusion on landscape impact

6.34 Overall, officers acknowledge that the impact on landscape character would change from an area that is predominantly in informal pasture / arable use to one that would appear to have a 'man-made' and engineered character, where the regimented lines of panels and perimeter fences would be imposed on the established field pattern. This is an underlying concern at the heart of many of the public representations received in response to this application.

6.35 Officers are satisfied that Parcel A (north) would be physically and visually separated from Parcels B and C (south), thus reducing the cumulative visual impact of the overall site. However, at a local level, the perceived resulting cumulative impact of the proposal on local residents is likely to be considered as having a greater significance, having previously appreciated a more 'unspoilt' rural landscape character.

6.36 Furthermore, officers also fully acknowledge that the lifespan of the proposed solar farm would be some 40 years, after which it is envisioned that the site would be decommissioned and returned to its former farming purposes, thus rendering the proposal as 'temporary' and reversible. However, it is appreciable that the 40-year duration during which the visual impact on and the qualities of the landscape would be experienced within the locality is significant in terms of a human life-span.

6.37 The introduction of new and reinforced planting and hedgerows is welcomed, and can bring about recognised biodiversity enhancements and benefits, but these can also create an artificial and adverse level of screening within this intrinsically rural environment, which the LC notes may not be entirely sympathetic to the historic field pattern. It is likely that after the envisaged 40 year lifespan of the installation, these new hedgerows and planting features would become permanent.

6.38 The LC acknowledges that the "*geographical change would not be extensive and would theoretically be reversible, the proposed development would change the intrinsic quality of the landscape. It needs to be acknowledged that the proposed development, would adversely affect the wider rural landscape, by introducing solar array structures, but by also introducing other discordant industrial features such as fencing, CCTV cameras, racking, DNO and client switching, battery sub-stations, storage, and tracks."*

6.39 The Council's Landscape Consultant expresses concern that the proposed mitigatory planting details would not "*fully respect the local field patterns or landscape character, and could reduce desirable views across the rural countryside such as to local landmarks".* It is also understood that much of the proposed mitigatory planting would remain in place following decommissioning of the site, having become established within the envisaged 40 year time-frame, leading to a permanent change to the character, or loss of baseline views.

6.40 Whilst the proposed solar array is likely to be delivered on site over a relatively swift timeframe (noting a 20-30 week construction period as per the transport statement) thus introducing a very noticeable change to the character and qualities of the rural landscape, the associated mitigatory and beneficial planting would occur over a much longer time-frame before bringing about the real visual benefits of the screening and planting. This would more realistically be achieved over a 15 year period, with the resulting visual change within these first 15 years judged to diminish the existing experiential value of the landscape. Accordingly, the LC evaluates this effect as *"Moderate / Minor for the wider LCAs and Major / Moderate for the Site itself".*

6.41 Officers therefore consider that the issue is not whether there would be a material change and resultant adverse impacts to the landscape, but whether the extent of those impacts, can satisfactorily minimise the identified effects, and to balance the identified benefits against the residual identified harm. The identified benefits arising by way of this proposal involves the increase in renewable energy provision, which results in acknowledged significant longer term effects on climate change, thus potentially leading to a far wider environmental benefit than the identified visual harm to the localised landscape character for the duration of 1-15 years during which the new vegetation would become established.

6.42 In this instance, Parcel A would introduce a fundamental change to the character of the agricultural setting, but, noting the limited sensitive receptors to this parcel, the impact would be acceptable and therefore the benefits arising from the provision of renewable energy would be credible and beneficial.

6.43 The resulting impacts to Parcels B and C would increase sensitive receptors at a closer and more immediate range closer to the proposed development, by way of the users of the PRoW, as well as users of the public highway network. The proposals would though include reinforcing landscape planting along the perimeter boundaries of the field parcels and the retention of sheep grazing between the panels, thus retaining an agricultural use of the land.

However, the nature of the deer fencing, along with the CCTV poles at regular intervals, would contribute to the resulting harm to the openness of the landscape. The LC considers that *"The introduction of new hedges to provide visual screening is introducing a permanent change to the landscape character area and visual experience along the PRoW through the site."*

6.44 Officers note that the resulting sense of development within the countryside would lead to an adverse and eroding impact on the landscape character of the surrounding area as well as harm to the PRoW network. However, officers conclude that this identified harm would be limited largely to users of the two PRoW (FP_1824_1 and FP_1757), who would experience the impacts of the solar farm at close range, over a relatively short distances. The temporary diminishment of the landscape character and curtailment of rural views within the identified parcels would therefore be limited and site-specific.

6.45 Officers acknowledge the harm identified within these localised views and from within a very constrained area, which could present a conflict with policies 25, 33 & 36 of the Horsham District Planning Framework (2015). However, noting the revisions to the field parcels and layout of panels within, officers are satisfied that the level of harm would be limited by location and reduced by way of the mitigatory landscape enhancement plan. Officers therefore consider that whilst an element of harm has been identified to the landscape character from a number of public receptor points, this is not of a level that is 'significantly adverse' to landscape character, thereby not conflicting with Policy 36 Furthermore, the level of harm identified needs to be weighed against the significant public benefit that would be delivered by way of the provision of renewable energy generation, which is noted as being deliverable within a short time-frame, with a benefit that would last for some 40 years. The overall balance of considerations is addressed in full below.

Biodiversity

6.46 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. Policy 17 of the emerging HDLP seeks to secure habitats, green infrastructure, functionally linked habitats and positive biodiversity enhancements, and also sets out a required delivery of a 12% Biodiversity Net Gain (BNG). The mandatory national requirements in relation to the 10% BNG only apply to applications lodged after 12th February 2024 and therefore do not apply to this application. However, it is noted that the current proposal is seeking to incorporate biodiversity net gains over and above the pre-existing baseline well in excess of the 10% national requirement and 12% requirement in emerging HDLP policy 17.

6.47 Paragraph 186a 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 186c).

6.48 The submitted documents include an Ecological Impact Assessment, various species reports, a Preliminary Ecological Appraisal (PEA), a baseline habitat map, ditch assessment, an outline construction and environmental management plan (CEMP: Biodiversity), as well as Arboricultural Reports and Impact Assessments. Revisions are noted to address specific officer and consultee comments. As part of the overall scheme of enhancements, a number of measures would be included, including:

- Areas of ancient woodland protected by a 15m buffer, with other areas of woodland protected by a 10m no-build buffer,

- Retention of and enhancement to existing hedgerows marking the site's boundaries supported by a 10m buffer, with hedgerows within the site protected by a 5m no-build buffer,
- 10m buffers to existing watercourses,
- 15m buffers to ponds where Great Crested Newts (GCN) DNA has been identified,
- Any clearance of habitats where necessary to take place outside of breeding / nesting seasons, and
- Retention of, and separation from any identified bat roost features, commuting corridors and foraging habitats, as well as the appointment of an Ecological Clerk of Works.

6.49 The revised BNG metric notes that there are no irreplaceable habitats present within the site, acknowledges the loss of arable farmland and some sections of existing hedgerows, and calculates the overall net gain by way of new habitat being introduced to the site. This metric tool, and all other documentation has been assessed by the Council's Ecologist, who notes that the BNG would result in an increase over and above the existing baseline conditions of 66.03% in habitat units (e.g. grassland, ponds, woodland, scrub), 97.89% in hedgerow units, and 113.79% in watercourse units (e.g. rivers, ditches, embankments). Whilst the Ecologist notes that whilst habitat condition sheets have not been submitted, a suitable HMMP condition can address this (Habitat Management and Monitoring Plan).

6.50 The presence of bats, Hazel Dormouse and reptiles at or near the development site has been fully acknowledged, with a number of method statements submitted to address their presence and ensure works are carried out within the site in an appropriate manner. These have been duly assessed by the Council's Ecologist and contain appropriate mitigations, which are to be secured as part of a planning condition.

6.51 In respect of the potential Great Crested Newt (GCN) habitat across the site, a number of ponds close to the site which have tested positive for GCN DNA, Officers note that the submitted CEMP: Biodiversity acknowledges this and commits to applying for a relevant district level licence through the NatureSpace scheme. The route to securing a licence is outside of the planning remit, but the Council does need to be assured that the applicants have and can meet their legal obligations for GCN. Officers understand that the applicants have joined the District License Scheme and are currently awaiting the NatureSpace Report which will advise the Council on what conditions and informatives are to be attached to any grant of planning permission. In advance of this report being completed, which is due imminently, NatureSpace have provided an indication of the conditions that will be required, which are set out at Conditions 26-27 below. These will be updated as required prior to any grant of planning permission.

6.52 The proposed development would not encroach into the adjacent areas of Ancient Woodland (or their buffers), which lie to the east of field parcels 1 and 2, to the south of field parcel 9, and to the south-eastern corner of field parcel 16. There are no other areas of undesignated, protected or ancient woodland being affected by the proposal.

6.53 The Council's Arboricultural officer has visited the site and assessed the proposal, noting that *"It is apparent that care has been taken in placing the solar panels in a central location with the fields, and a minimum 10m buffer is proposed around the edge of the affected fields to help minimise the impact on the key rooting areas of the mature trees and hedgerows which border the fields post-development . However, where the Root Protection Area (RPA) of a retained tree exceeds 10m, it would be beneficial if the buffer area were amended to reflect the actual RPA of the nearby trees".* Furthermore, the Arboricultural officer acknowledges that no tree removal is proposed to facilitate the development comprising the solar panel array, although some sections of hedges and trees are to be removed to facilitate the access tracks, security perimeter fences and underground cable routes.

6.54 Recent amendments to the submitted details now satisfactorily addresses the Arboricultural Officers concerns in relation to the location of the swale and the RPA of T6 (field parcel 6,

north of Westlands Farm Cottages), resulting in the removal of the holding objections and suggestions of planning conditions.

6.55 The requirement to protect and enhance biodiversity and geodiversity is set out under paragraphs 180, 185 and 186 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 180(d) of the NPPF. It is suggested that these measures be subject to a long-term LEMP (Landscape and Ecological Management Plan) condition.

6.56 Overall, subject to conditions the proposal would accord with HDPF policy 31, and paragraphs 180 and 186 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.

Impact on Heritage Assets

6.57 Policy 34 of the HDPF seeks to sustain and enhance the wider historic environment, which includes not only the heritage assets themselves, but also their wider setting. This taken forward within Policy 21 of the emerging HDLP.

6.58 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, 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. The NPPF seeks to avoid the loss of or harm to the significance of a designated heritage asset, including from development within its setting (paras 201 and 203). Paragraph 208 states that '*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*'.

6.59 Having reviewed the submitted Heritage Report, and acknowledging the locations of the adjacent listed buildings, with some 15 various listed buildings within a 1km radius of the site, the Council's Heritage Officer is of the view that the properties within the *'influence of the application site'* are: Clock House, Bowshots, Little Patches, Trenchmore and St Hugh's Monastery. The Heritage officer considers "*that whilst these buildings all have clear architectural and historic interest and their wider rural setting contributes to an understanding of their significance, it would be considered that the location of the solar farm would not detract from this understanding".*

6.60 The Heritage Officer explores each of these identified listed buildings in more detail as follows:

St Hugh's Monastery

6.61 The Council's Heritage Officer refers to "*St Hugh's as a Grade II* listed building and the only Carthusian Monastery in England, with its site chosen for its isolation and tranquillity. There are clear views of St Hugh's from PRoW 1757 where it runs towards Northstone Cottages. Due to the significance of St Hugh's and the importance of the focal point of the spire, the Heritage Officer considers that the panels to the south of the footpath (1757) should be removed. As it stands it would be suggested that they would result in less than substantial harm to the middle of the scale".*

Clock House

6.62 The Council's Heritage Officer welcomes that the panels do not extend around the southern side of Clock House (east of parcel 8), a building designed by Barry Parker in 1913-14, which

incorporates into its fabric an earlier building that was relocated from fields close by. Although the building's significance relates primarily to its historic fabric and architectural interest, there is a concern over the proximity of the panels in parcel 8, extending up to the property's western boundary, particularly where existing views of the house can be had from the PRoW (FP_1757).

6.63 Whilst the Clock House may not have had a functional relationship with the wider agricultural land, it is suggested that over time, the perception of the heritage asset as a 'country house' has come to be understood by its setting with the open fields to the south and west, with the busyness, noise and intrusion created by the A272 along the north side of this heritage asset, reducing and undermining its significance and connection with its surroundings. The agricultural land to the west (parcel 8) is therefore suggested to have become more important in balancing this understanding.

6.64 Therefore, the introduction of panels and associated infrastructure in the western field (parcel 8) is "*considered to result in less than substantial harm to the setting of the Clock House, at the lower end of the scale".*

Bowshots

6.65 The Council's Heritage Officer acknowledges "*that the A272 provides a visual and aural constraint to the fields to the south of Bowshots, thus detracting from the appreciation of the building, particularly from the footpath 1824_1/1 and lessening its connection with the fields to the south. The size and distribution of the panels would change the wider setting of the listed building and reinforce this disconnection. The reduction in the expanse of panels within the field to the south would be supported".*

Little Patches and Trenchmore

6.66 The Council's Heritage Officer considers that whilst these buildings have "*clear architectural and historic interest and their rural setting contributes to an understanding of their significance, it would be considered that the location of the solar farm would not detract from this understanding"*. The proposed solar array will impact on the wider setting of these listed buildings, but the Senior Conservation Officer does not consider that this impact would result in harm, stating that "*The opportunity would remain to understand and appreciate the significance of the listed buildings and their setting".*

Heritage Conclusion

6.67 The Council's Heritage Officer therefore considers that the proposal would result in *"less than substantial harm at the lower end of the scale to The Clock House, and less than substantial harm in the middle of the scale to St Hugh's Monastery; through harm to their setting. If the application was amended through the removal of the panels located in the fields outlined above, this would lessen the harm identified"*. Planning Officers concur with the assessments made.

6.68 Following the Heritage Officer comments, revisions to the proposal include the omission of field parcel 13 (south of Bowshots) and amendments to the perimeter extent of panels to the eastern side of field parcels 9 and 10.

6.69 However, the panels have been retained to the entirety of field parcel 8 which lies to the west side of the Clock House listed building. The applicant's submitted rebuttal considers that the setting of the Clock House has been sufficiently retained by way of the omission of panels to the south of this house, thus 'retaining its visual connection as a country house within its landscape setting'. Furthermore, the rebuttal suggests that the prominence of the Clock House within the landscape is reduced by way of the dense boundary vegetation, including along its western side (to field parcel 8).

6.70 Having reviewed the amendments and the heritage rebuttal, the Council's Heritage Officer is satisfied that the revisions have lessened the identified harm to the significance of St

Hugh's Monastery. In respect of the harm that was previously identified to the Clock House, it is noted that a further set of amendments to the layout have now pulled the eastern boundary of field parcel 8 away from the heritage asset with a straightened side boundary which would lessen the number of CCTV poles along this side. The amendments have now increased the separation between the application site and Clock House, resulting in the removal of some of the urbanising features, albeit there would still be a change in the experiential value of the approach to this listed building. As the identified level of harm is at the lower end of 'less than substantial' scale, the resulting public benefits, arising from the provision of green / renewable energy, should be weighed against this.

Archaeology

6.71 The Council's Archaeological Consultant acknowledges that the site is large and has been subject to archaeological assessment (Cotswold Archaeology), and a Geophysical survey (AOC Archaeology) that suggests there is a low or uncertain potential for archaeological remains. Whilst much of the site would not be subject to significant below ground disturbance, the consultant recognises that some elements may involve deeper excavations that will therefore require a programme of archaeological monitoring during development.

6.72 Accordingly, a planning condition is advised to secure a programme of archaeological monitoring during construction, particularly of the tracks, site compounds and foundations for the inverter cabins.

Conclusion

6.73 Paragraph 208 of the NPPF requires less than substantial harm to the significance of a designated heritage asset be weighed against the public benefits of the proposal. Officers recognise that in this instance, the public benefit concerns the provision of a significant contributions towards the generation of renewable energy. This is considered to outweigh the less than substantial harm (noted to be at the lower end of the scale) to the setting of the identified heritage assets.

6.74 Officers acknowledge that the amendments to field parcels 8, 9, 10 and 13 have reduced the likely impact on the aforementioned heritage assets to ensure that the level of identified harm is reduced and balanced against the public benefit. Insofar as the identified 'less than substantial harm' at the lower end of the scale, to the setting of the Clock House, Officers understand that the Council's Heritage Officer welcomes the positive changes to reduce the proximity between the array and the setting of the listed building, and is satisfied that this should be weighed in the planning balance against the wider public benefit arising by way of a reduced reliance on fossil fuels. In this regard, officers acknowledge the temporary nature of the proposed solar farm, with an envisioned 40-year lifespan in terms of the enduring designation of heritage assets. The level of harm identified to the heritage asset (at the lower end of less than substantial), and the temporary and reversible nature of the proposed solar farm are considered to be outweighed by the public benefit arising from the increase in renewable energy achievable by way of the proposed development.

Impact on Amenity

6.75 HDPF policy 33 requires consideration of neighbouring amenities when determining planning applications, for such matters as overlooking, light, noise and outlook, whilst HDPF policy 36 also seeks to avoid adverse impact on amenity value, when considering renewable energy applications. Paragraph 135f of the NPPF requires development proposals to create safe, inclusive and accessible places…with a high standard of amenity for existing and future users.

Parcel A:

6.76 The properties set closest to the proposed solar installation would be Westlands Farm Cottages, Stable Cottages, Garden Cottage and Pump House, at a distance of some 50m between house walls and perimeter fencing. Westlands Court, Westlands Grange,

Westlands House, Coachmans and Oakland House would have a greater separation in excess of 75m between house walls and perimeter fence.

Parcel B:

6.77 Clock House is the closest to the perimeter fence of field parcel 8, at around 60m, whilst Northstone Cottages would benefit from a separation of some 210m from the amended line of the perimeter fence to field parcel 9.

Parcel C:

6.78 Champions Gate Corner would have a separation between house walls and perimeter fence of field parcel 12 of some 40m. With the removal of field parcel 13 from the proposal, Bowshots to the north would now have an increased separation from the perimeter fence from 40m to around 70m.

6.79 Whilst other residential properties are noted around the three parcels (A, B and C), these are at increased levels of separation with intervening structures, fields, properties, and vegetation. It is noted that the planning system does not attribute any private 'rights to a view'. Instead, residential amenity can be impacted by the following (but not limited to):

- Reduction in / loss of privacy
- Creation of overbearing / oppressive effects
- Reduction in / loss of natural light
- Increase in environmental impact such as noise, light, smell, fumes

6.80 A number of representations have been made from nearby / neighbouring properties in terms of a likely 'negative impact' and loss of residential and amenity values (impact on a view, glint and glare, proximity, loss of property value, noise, amongst other concerns raised).

6.81 In planning terms, there is no private right to a view, and therefore this would not form a ground for refusing such an application. Instead, it is the potential impact on publicly accessible views, as per those addressed in the Landscape Section above, which is material. However, the planning system does otherwise take into account matters that could affect the living conditions of residents in neighbouring nearby properties, or users of land, which will be discussed in the paragraphs to follow. As per the private right to a view, the potential of property devaluation is not a material planning consideration that can be taken into account as part of the overall planning assessment.

6.82 Officers are satisfied that the proposal would not lead to a loss of privacy on the nearby / neighbouring residential properties given the nature of the development. The occasional maintenance visit to the solar farm would be judged akin to that of a farmer tending their livestock or lands, also noting the public access to parts of the site by way of PRoW.

6.83 Noise reports have been submitted and amended following comments raised by the Council's Environmental Health Officers and now satisfactorily address a number of considerations in relation to likely noise impacts from the development, particularly potential low frequency noise. Although noise levels in proximity to the heavily-trafficked A272 are quite high during the daytime, officers fully acknowledge that the night-time noise environment will be more sensitive to noise events, particularly low-frequency 'hums' associated with plant equipment such as the DNO (Distribution Network Operator) and switchgear units. Planning conditions are therefore suggested to ensure that any eventual plant equipment is installed in accordance with the details submitted, and has been subject to an in-situ noise assessment to demonstrate that the resulting noise levels remain no greater than 5dB above background noise at all noise sensitive receptors.

6.84 Impacts from glint and glare have been assessed within the Glint and Glare Study from a 1km zone around the site, identifying some 76 potential dwellings within this zone, with a potential solar reflection identified as being 'geometrically possible' from some 66 of these. The likely 'geometrically possible' modelling results consider where solar reflections are

possible for more than three months per calendar year for more than 60 minutes per day. For many of these identified receptors, there is existing vegetation and terrain which significantly obstructs potential views of the array, or where the modelled impact would occur for less than 3 months within a calendar year, or 60 minutes / day. Of these, there is a likely predicted impact on only three receptors (Northstone Cottages, Westlands Farm Cottages and East Cottages), with vegetation considered appropriate to mitigate against any undue impacts.

6.85 Officers acknowledge that a number of concerns have been raised in the objections received particularly in the assessments made and conclusions formed in the Glint and Glare Study, with fears that the resulting impacts of glare could detrimentally affect neighbouring / nearby residents. Officers understand that the new technologies involved in solar panels seek to absorb as much sunlight as possible thus achieving increased energy generation. The glass solar panels are typically coated in an anti-reflective coating to ensure they remain as dark and light absorbing as possible, which renders the panel effective for their designed purpose.

6.86 Given the level of technical assessment and geometrical calculations applied in the submitted Glint and Glare Study, Officers are satisfied that the Study has appropriately and robustly assessed the potential impact against industry recognised standards (which also includes FAA guidance 'Federal Aviation Administration' in the US, and CAA guidance 'Civil Aviation Authority' in the UK, in respect of potential impacts on aircraft / airfields). Therefore, Officers have no evidence to contradict the findings of the technical report that has been submitted, and the results highlighted therein.

6.87 Therefore, in material planning terms, the wider amenity of these properties would not be so harmfully impacted by having sight over the proposed solar farm on account of wider rural setting and intervening distances involved, to render the proposed development unacceptable on these grounds (neighbour amenity). Whilst the solar array would be visible from a number of nearby properties on account of elevated positions and an undulating landscape, the proposal is considered to lead to impacts on the view experienced from the windows of those properties, and / or their garden settings, rather than creating adversely harmful impacts on living conditions by way of bulk and massing.

6.88 Additional considerations need to be given to the amenities of the occupants of North Lodge and Cobwood Lodge which are sited immediately adjacent to the one of the temporary site accesses (Parcel A), as well as Champion's Corner Cottage (Parcel C). The access to Parcel B would not be situated directly adjacent to a residential property. Officers note that these access routes are also likely to be used at the end of the envisaged 40-year lifespan, when the site is decommissioned, although full details of the decommissioning would be secured by way of a planning condition at the time.

6.89 During the envisaged 7-month (20-30 week) construction period, the accesses would be used for all activities and deliveries between Monday to Friday (08:00 – 18:00) and on Saturdays (08:00 – 13:00) only. Overall, an average of 7 HGV deliveries per day is estimated (or 14 two-way movements), with additional movements likely by way of smaller vehicles, such as staff transport and waste management. The following estimated deliveries are noted from the submitted reports, each is a two-way movement:

- 430 deliveries associated with the panels and mounting structures (16.5m articulated HGV)
- Four inverter / transformer stations – to be delivered individually
- 4 deliveries of internal equipment on 10m rigid lorries (or 16.5m articulated HGV)
- 215 deliveries of material required for internal access tracts on 10m rigid vehicles
- 5 x JCBs required on site – delivered by a 16.5m low loader
- 315 additional sand, gravel and cable deliveries
- Some 60-70 construction workers – likely transported by minibus to site

6.90 The existing access to Parcel A, off Burnthouse Lane, is currently used in conjunction with the existing property at Cobwood House (Camelia Botnar Foundation), and so is subject to an existing and established level of vehicular traffic. A further access route into Parcel A, off Burnthouse Lane is to utilise an existing field access, some 120m north of Westlands Farm Cottages. A proposed access into Parcel C, off Littleworth Lane and adjacent to Champion's Corner Cottage, is an established field access, and provides the residential property with off-street parking.

6.91 Considering the time-limited construction period, and the likelihood that the construction activities would be split across the various parcels of the wider site, the route of the temporary construction access and its position in relation to the most private areas of the residential properties at Cobwood Lodge, North Lodge and Champion's Corner Cottage, it is acknowledged that some additional disturbance would occur. However, this is acknowledged to be within the context of the existing traffic movements along the A272 / Cowfold Road, Littleworth Lane and Burnthouse Lane. 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, such that conflict with policy 33 of the HDPF would arise.

Highways and Access

6.92 As set out above, the proposed development is to be facilitated by a series of temporary construction accesses and routes, but necessitating the use of Burnthouse Lane, Stonehouse Lane, both of which are single-width rural lanes, and Littleworth Lane, which is also a rural lane, but clearly marked with two lanes. These accesses are to remain in place throughout the construction period, aided by a banksman and subject to operational restrictions and procedures to ensure the deliveries are managed into and out of the site.

6.93 It is acknowledged that the potential traffic implications, highway safety and the potential to other highways users along the A272 and associated lanes has been cited in numerous letters received, as well as degradation of the narrow lanes and verges.

6.94 The Local Highways Authority has reviewed the submitted information, with the proposed visibility splay improvements and swept path diagrams to the accesses, noting the envisaged construction phase of around 20-30 weeks (as set out in the DAS and Transport Note). The Highways Authority note that each of the access points would be retained once operational to facilitate ongoing maintenance access, thus requiring a s278 agreement with the Highways Authority.

6.95 The Highways Authority also notes that the accesses off Littleworth Lane, Burnthouse Lane and Stonehouse Lane (all currently existing field accesses) would be provided with visibility splays appropriate to the recorded average speeds of the road, as per the ATC (Automatic Traffic Counters) surveys carried out. The proposed use of an existing access drive that serves the Camelia Botnar Foundation (off Burnthouse Lane) is currently fit for purpose and requires no additional highways works to facilitate the proposed development access.

6.96 The Highways Authority have concluded that the proposal would necessitate *"35 two-way trips daily, this would be a mix of HGV/LGV and car trips, however the total number of HGV trips would be 6 per day which is not considered to create a severe impact on the highway network. Additionally, they would not all be using the same access points and once operational the site will generate 4 trips per day. This is considered acceptable."*

6.97 Officers note that the Parish Councils (Cowfold and West Grinstead) have asked that a permanent 40mph speed restriction is imposed along the A272 prior to the works commencing, and that the applicants fund improvements to the Champions Gate Corner junction with the A272 / Littleworth Lane. In their assessment of the proposal, the Highways Authority refer to para 115 of the NPPF which states that '*development should only be*

prevented to refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

6.98 The Highways Authority has assessed the proposal and the swept paths submitted, noting the access routes proposed for the construction traffic, and also notes the likely activity and timescales involved with the proposed Rampion 2 development to the east of the village. Officers are satisfied with the applicant's submitted details that the proposed solar farm development would not likely coincide with this nearby proposed (but not granted) development. The Highways Authority is also satisfied that the proposal would not lead to an unacceptable impact on highway safety or capacity, necessitating a reduction in the speed limit along the A272, or improvements in visibility at the A272 / Littleworth Lane junction. Officer agree with the Highways Authority that there a reduction in the speed limit is not necessary in planning terms to mitigate the impacts of this development.

6.99 Overall, officers concur with the overall assessment of the Highways Authority and acknowledge the proposed and existing visibility splays available at each of the four access points. 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.

6.100 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.

Other Matters
Flooding

6.101 Part of the peripheral edge of the site in the south-eastern corner, concerning the cable route to the overhead line, lies within Flood Zone 2, with the remainder of the site within Flood Zone 1. However, on account of the nature of the works located in this area, only the below-ground cable run would be located within this area at risk of flooding. Accordingly, the likely impact arising as a result of the proposed development in this Flood Zone 2 location would be minimal.

6.102 The wider site however, is subject to areas at risk of surface water flooding, with parts of field parcels 2, 3, 4, 5 and 6 of the northern area appearing to be located in areas at medium and high risk of surface water flooding, whilst parts of field parcels 8 through to 16 in the southern area also appear to be subject to medium and high risk areas of surface water flooding. The EA surface water flood risk maps indicate that the depth of flooding in all bar parcel 15 and part of parcel 16 would be below 30cm in both medium and high risk areas. Within parcels 15 and part of 16 the EA mapping indicates depths of up to 90cm would be possible. Within this context it is noted that the panels would be set a minimum of 60cm above ground level meaning only their frames would be under water in a surface water flood event, with the submission stating that those panels within areas of surface water flood risk would be set higher off the ground.

6.103 Paragraphs 165 to 173 of the NPPF set out the national policy position with regard to development and flood risk, which is to be read alongside the more detailed guidance se out in the PPG chapter 'Flood Risk and Coastal Change'. National policy requires that a sequential approach is undertaken in areas known to be at risk now or in future from any form of flooding. A sequential test should be undertaken to steer new development to areas with the lowest risk of flooding from any source, and development should not be permitted if

there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (NPPF 168).

6.104 The applicant has submitted an assessment based on a sequential risk-based approach to the location of the development, noting that much of the site lies within an area at low risk of fluvial flooding, but acknowledging that some parts of the site are subject to a higher surface water flood risk. The site was subject to a number of search criteria, including not being more than 2km from the overhead transmission line, low grade of agricultural land, having an area of at least 74.1ha, preference of a single land ownership, being available and developable. Following application of the search criteria, the applicants have advised that there were no other suitable sites with a lower risk of flooding. Officers are satisfied with the detail and evidence submitted, and are also satisfied that the development will provide wider sustainability benefits (in terms of renewable energy generation to help combat climate change) and, as discussed below, will be safe for its lifetime taking into account the vulnerability of its users and without increasing flood risk elsewhere, as required by Paragraph 170 of the NPPF.

6.105 On this latter matter, it is noted that the LLFA raised an objection to this application on grounds of the surface water flood risk, citing the potential to affect overland flood routes and altering surface water run-off which could increase flood risk elsewhere if not suitably managed. Furthermore, the LLFA considered that there is a risk of erosion and channelised flows as a result of the panels and the scale of the development area, and that indicative 'compound' areas should be located in areas outside of any flow paths. Officers note the height of the panels would generally not obstruct surface water flow paths as the only structure present at lower levels comprise the legs of the panels.

6.106 In response further information has been prepared by the applicant and submitted for review by the LLFA, detailing the local flood risk and surface water drainage. Having assessed this additional information, the LLFA accept that their concerns have been addressed and that planning conditions 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.

6.107 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 165 - 173 of the NPPF.

Air Quality Management

6.108 The Council's Air Quality Officer has reviewed the proposal and raised a query in relation to the potential dust generation a solar farm is likely to generate during construction. Officers consider this is something which can suitably be addressed by way of an appropriate CEMP condition.

6.109 The submitted Air Quality technical note acknowledges a limited construction period of less than a year (6-8 months / 20-30 weeks), with the submitted documents estimating that this would generate around 17 car movements and 12 LGV movements each morning and evening, and around 6 HGV trips per day (0.5 / hour).

6.110 Whilst it might be desirable for site traffic to be routed in such a way as to avoid passing through the Cowfold AQMA, this is not enforceable whilst alternative routes may not be suitably accessible by HGVs and LGVs, may be longer and more circuitous and may therefore lead to increased emissions by avoiding the AQMA.

6.111 Officers nevertheless consider that the applicant should make best endeavours to consider avoiding passing through the Cowfold AQMA as far as possible. However, eventual vehicle routing would depend on the direction of travel, which, if originating to the east of the site (e.g. the A23) the most favoured and direct route to the site would require passing through the Cowfold AQMA. Given the temporary nature of the construction works, where the impact on the Cowfold AQMA would be greatest, it is not considered that such impacts would necessitate the refusal of permission. Likewise, operational impacts from the very limited number of trips to the site would have a negligible impact on the Cowfold AQMA.

Farm Diversification

6.112 Nationally, the NPPF (para 180b) recognises the economic and other benefits of best and most versatile agricultural land (BMV). The glossary in the NPPF defines BMV as land in grades 1, 2 and 3a of the Agricultural Land Classification.

6.113 Whilst this land may have been successfully farmed for many years, combining both pasture lands and arable fields, the site has been assessed as being Grade 3b (moderate quality), which in this location is noted to include land having a clay / heavy clay loam texture, prone to wetness and waterlogging, and also summer drying out and cracking, with limited ability to hold nutrients, thus limiting the productive crops that thrive on this land. Officers concur with the grading according to the Natural England ALC map (Agricultural Land Classification), noting the reference to the surface water flooding instances across the site, indicating a low water permeability. The DEFRA magic maps also categorise this area as having a predominantly '*slowly permeable seasonally wet, slightly acid but base-rich loamy and clayey soils*'.

6.114 Officers acknowledge that a number of objectors refer to the potential loss of agricultural land of this quantity and quality, removing this from productive food / farming use, and the resulting impact on UK food security. As noted above, agricultural land classified as being Grade 3b is not considered within the definition of best and most versatile (BMV) land. During the envisioned 40-year lifespan of the proposal, it is possible for sheep to graze the land, ensuring that agricultural activity remains within the site - *agrivoltaics*. There is no evidence to suggest that the land could not be retuned fully to active farming use following decommissioning of the solar farm.

6.115 The proposal would also have the benefit of allowing the land to recover and act as carbon sequestration for the life-span of the proposal (some 40+ years), leading to environmental benefits, but also allowing the soil to regain its natural structure and increasing beneficial microorganisms within the soil. The areas of new buffer planting and hedgerows established around and within the site would promote beneficial ecological diversification which can be symbiotically beneficial to traditional farmlands.

6.116 The use of Grade 3b agricultural land to facilitate a solar farm capable of generating a significant contribution towards the national low carbon and renewable energy needs, thus reducing carbon emissions, raises no conflict with national or local planning policies, as this land is not considered to be the 'best and most versatile' (BMV) for farming use. The proposal would assist in securing ongoing financial stability for the farm / land holding.

Water Neutrality

6.117 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.

6.118 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.

6.119 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. 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 no considered that the weekly maintenance visits would create a mains water demand. 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 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Land area necessary / scale

6.120 A number of public consultation responses raise concerns at the scale of the proposal, being described as having a capacity to generate 49.9MW of power, thus bringing this under the remit of a Local Planning Authority decision. In contrast, Nationally Significant Infrastructure Projects (NSIPs) are dealt with by the Secretary of State (for the Department for Energy Security and Net Zero – DESNZ), concerning all 'large-scale' solar developments over 50MW, with a view of fully decarbonising the power system by 2035, and meeting the net zero target by 2050.

6.121 Officers understand that a NSIP solar farm of over 50MW would typically include around 100,000-150,000 panels and cover an area of around 50ha – 81ha, dependant on the efficiency of the panels and the placement of the panels. NSIPs are determined against National Policy Statements, including NPS EN-1 for energy and NPS EN-3 for renewable energy infrastructure.

6.122 In this instance, officers understand that the developer will not install an array capable of generating more than 49.9MW, with this having previously been conditioned in other locations. According to the submitted plans, officers calculate the panels to number around 34,500, which is well below the typical array size of an NSIP scale proposal (over 50MW) of around 100,000 – 150,000 panels, covering a site area of around 45.7ha. Whilst in this case the overall site area / red line, which includes all necessary land to form the grid connection and provide landscape enhancements, extends to 74.4ha, the area covered by the actual solar array land area is significantly smaller than this.

6.123 For the avoidance of doubt a condition is recommended capping the energy generation to a maximum 49.9MW.

Conclusion and Planning Balance

6.124 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.

6.125 The proposed solar farm would have a power generating capacity of up to 49.9MW, generating a significant amount of electricity from a clean, renewable source, meeting the

energy needs of potentially some 16,581 family homes (based on local average energy use). Officers acknowledge that this is a substantial benefit that attracts significant weight in the planning balance. There are no physical constraints limiting early development of this site and a grid connection offer is in place. As such, the scheme could make an early and significant contribution to the objective of achieving the UK's Net Zero target. Given this imperative, the benefits of this proposal attracts significant weight in mitigating the effects of climate change.

6.126 The proposal also promises to deliver positive net biodiversity gains to the site along with other ecological enhancements and the potential for carbon sequestration and soil restoration. This also weighs in favour of the proposals, and would deliver long-term objectives and benefits, controlled by way of planning conditions.

6.127 In assessing the proposal, officers are fully understanding of the potential landscape harm, local concerns expressed in relation to degradation of rural quality, views, landscape character, and the associated benefits of farmlands. Factors to be taken into account when assessing proposed solar farms include the impact on local amenity and landscape with protected areas ranking higher than undesignated areas, and that the overriding need for renewable energy does not override environmental protections.

6.128 The proposals would result in 'less than substantial harm' to the setting of Clock House, with the setting of Bowshots now retained by way of the removal of panels of field parcel 13. However, in this case the wider public benefit arising from the significant potential generation of renewable energy, and the limited life-span of the installation, would sufficiently outweigh the modest level of harm to the settings of these heritage assets, thereby satisfying the requirements of Paragraph 208 of the NPPF. The revised plans would continue to enable users of the PRoW 1757 to enjoy long range views of the elevated spire of St Hugh's Monastery located to the south-east of the site.

6.129 The potential harm that would result from the introduction of this significant solar array into the landscape has been carefully assessed by officers, including having regard to cumulative impact with other development proposals, such as those referred to by members of the public including a proposed Battery Energy Storage System (BESS), the proposed Rampion 2 substation and other proposed energy developments to the east beyond the district boundary. Whilst these proposals are noted, they lie some 3.2km to the east of the current solar farm application site, and would therefore not interact visually or operationally with the proposal.

6.130 Similarly, whilst the open nature of the southward landscape is acknowledged by officers, with elevated views towards the Downs within the setting, it is unlikely that the proposal would become clearly and detrimentally visible within the wider panoramic and long-range views available at these elevated locations, with any resulting impact appearing filtered by intervening landform and landscape features and vegetation, such as woodland blocks.

6.131 Whilst Officers acknowledge that the proposals would impose a significant '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 installation such as this, the proposal is accompanied by 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.

6.132 Therefore, officers have had regard to the extent of site coverage and landscape enhancements offered, and note that the identified level of localised harm, particularly during years 1-15, would lead to conflicts with local and national planning policies. This harm weighs against the proposal.

6.133 However, in considering the proposal, it is clear that it would make a significant contribution to providing renewable energy generation, which carries national benefits towards reducing reliance on fossil fuels, and can contribute to tackling the effects of climate change in the long term. Whilst officers accept that the immediate impacts are local, the results would be national, with far wider benefits arising.

6.134 Officers note that a number of controls and details have been requested raised by the Parish Councils (Cowfold and West Grinstead), including; Detailed traffic management plans, noise assessments, site-specific screening to affected residential properties, free electricity for affected properties, a 'dynamic decommissioning bond' to secure the reinstatement of the land.

6.135 A number of these requests are not considered to be necessary to make the proposed development acceptable in planning terms. However, officers would like to offer assurances that there are planning conditions suggested to secure hours of construction activities, in-situ noise assessments of the equipment installed to ensure the levels are within specified levels, a Habitat Management and Monitoring Plan, and decommissioning details.

6.136 Reference has been made in the representations to considering whether free electricity should be provided to properties affected by the solar farm. The applicants have not to the knowledge of Officers made such an offer to the community nor does such an offer form part of the application submission. In any event, such financial inducements are not material planning considerations that can be taken into account when determining planning applications as they do not serve a planning purpose, a matter that has been clarified in the Courts.

6.137 Therefore, in taking account of the amended site area for the panels, and the extent new planting proposed is such that the balance needs to recognise the clear benefit of the solar array outweighing the harm that would occur to the landscape character and setting of the area.

6.138 The recommendation of officers is therefore to approve the application subject to the conditions as set out below.

7. RECOMMENDATIONS

7.1 To approve planning permission subject to the following conditions (to be updated following receipt of the NatureSpace report for Great Crested Newts):

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).

4 **Pre-Commencement Condition:** Notwithstanding the submitted outline CEMP: Biodiversity, prior to commencement of development a detailed construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall take account of the revised layout plan [LCS049 PLE-02 Rev 16] and include the following;

a) Risk assessment of potentially damaging construction activities.
b) Identification of "biodiversity protection zones".
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To conserve 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).

5 **Pre-Commencement Condition:** The development hereby approved shall not commence until the following construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall be limited to the following measures:

i. Details of site management contact details and responsibilities;
ii. A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
    a. location of site compound,
    b. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
    c. site offices (including location, height, size and appearance),
    d. location of site access points for construction vehicles,
    e. location of on-site parking,
    f. locations and details for the provision of wheel washing facilities and dust suppression facilities

iii. The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc, to include site management contact details for residents;
iv. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination

All development shall be carried out in full accordance with the approved CEMP.

Reason: In the interests of amenity and road safety and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

6 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Habitat Management and Monitoring Plan (HMMP) has been submitted to be submitted to and approved in writing by the local planning authority, for a period of 30 years to deliver the required enhancement and habitats. The works shall be implemented and maintained in accordance with the approved HMMP for the designated period.

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).

7 **Pre-Commencement Condition:** No development shall take place until a programme of archaeological monitoring during construction has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: This matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).

8 **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 and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA (07/03/24) and Response to LLFA comments dated February 2024 and Drawing Preliminary Drainage Strategy by PFA Consulting, rev A, dated 07/03.24 and remain 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.

9 **Pre-Commencement Condition:** Prior to the commencement of development the Transport Strategy associated with the development shall be submitted to West Sussex Fire and Rescue Service, along with a Risk Reduction Strategy and Emergency Response Plan, covering the construction, operational and decommissioning phases of the project.

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

10 **Pre-Commencement Condition:** No development within each parcel (as shown LCS049 PLE-02 Rev 17) shall commence, including ground clearance, or bringing equipment, machinery, or materials onto the site, until the tree protection fencing for that parcel has been erected in the position as indicated in DWG Ref: THL-11805 attached to Tree Heritage Arboricultural Report issued 11/03/2024. The tree protection fencing shall be retained throughout all relevant development works. Once in place, the person(s) responsible for

supervising the works must meet the Arboricultural Officer of the Local Planning Authority, on-site, so the Arboricultural Officer can supervise that the condition attached to planning permission is fully complied with.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11 **Pre-Commencement Condition:** Notwithstanding previously submitted information, no development shall commence, including ground clearance, or bringing equipment, machinery, or materials onto the site, until an Arboricultural Impact Assessment and Methods Statement has been provided setting out the setting out in detail the way the works will be completed for the section of cable going through hedgerow H15, and the sections going through tree groups G5 and G27. The works shall thereafter be carried out in accordance with the approved details. Once the Arboricultural Impact Assessment and Methods Statement has been provided and agreed the person(s) responsible for supervising the works must meet the Arboricultural Officer of the Local Planning Authority, on site, on the day of the works, so the Arboricultural Officer can supervise that the works to ensure that they are completed in accordance with the Arboricultural Impact Assessment and Methods Statement.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important hedges and protected trees on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

12 **Pre-Commencement (Ground Level) Condition:** No development above ground level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for DNO substations, inverters and customer switch gear units, along with specification details on the solar panels to be used, have been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

13 **Pre-Commencement (Slab Level) Condition:** Notwithstanding the revised layout details shown on layout plan [LCS049 PLE-02 Rev 17], prior to the commencement of development within each parcel/zone as shown on Development Zone Plan DZ-2 Rev 11, the following details shall be submitted to and approved in writing by the Local Planning Authority:

i. Detailed site plan showing final positions of panels and perimeter fencing to each parcel/zone, locations of DNO substations, inverters and customer switch gear units.
ii. Elevational details showing the heights of the panels in parcels/zones 7,10 and 11 shall include reference to associated datum points of public highways.

The works shall be implemented and maintained in accordance with the approved details.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

14 **Pre-Occupation / Use Condition:** The development hereby approved shall not be brought into first use first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance

with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

a) a timetable for its implementation,
b) details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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.

15 **Pre-Occupation / Use Condition:** Upon completion of the surface water drainage system, including any SuDS features, and prior to the approved development being brought into first use; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning 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 1. 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.

16 **Pre-Occupation / Use Condition:** The development hereby approved shall not be brought into first use until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (Logika Consultants, November 2023) has been submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details all features 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).

17 **Pre-Occupation / Use Condition:** Prior to the commencement of development within each parcel/zone as shown on Development Zone Plan DZ-2 Rev 11, full details of all hard and soft landscaping works relevant to that parcel/zone shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the installation of the solar panels within that parcel/zone. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after

completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

18 **Regulatory Condition:** The installation of all fixed mechanical equipment and building services plant hereby approved shall be undertaken in accordance with the submitted plans and specifications as detailed in the Tetra Tech Noise Assessment report, dated 14th November 2023, reference 784-B043627. The cumulative noise rating level from all plant machinery and equipment shall not exceed 5dB above background at all noise sensitive receptors as assessed in accordance with BS4142:2014.

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

19 **Pre-Occupation / Use Condition:** Within 6 weeks of the date of installation of any equipment and plant, a noise assessment in accordance with BS4142:2014 shall be carried out to confirm the noise target has been met for both day and night time operation. Any additional steps required to mitigate the noise impact shall be identified and implemented within 3 months of operation commencing. The post installation noise assessment shall be submitted to and approved in writing by the local planning authority. The details as approved shall thereafter be permanently retained.

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

20 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the BNG Metric 4.00 v4, Baseline Habitat Map (February 2024), Outline Construction and Environmental Management Plan (Biodiversity) (Logika Consultants, February 2024), Landscape and Ecology Strategy Plan (Environmental Dimension Partnership, November 2023) and Ecological Impact Assessment (Logika Consultants, November 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Non-licensed Precautionary Method Statement for Hazel Dormouse in Appendix A2 of the Outline Construction and Environmental Management Plan (Biodiversity) (Logika Consultants, February 2024) and the Precautionary Method Statement for reptiles in Appendix A1 of the Outline Construction and Environmental Management Plan (Biodiversity) (Logika Consultants, February 2024). The measures shall 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).

21 **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 Policy 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).

22 **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).

23 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Report [THL-R23-107-3 by Tree Heritage Ltd, 11th March 2024].

Reason: To ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015).

24 **Regulatory Condition:** The development hereby permitted shall not generate more than 49.9 MW (AC) at any time.

Reason: As any power generation of more that 49.9MW constitutes a Nationally Significant Infrastructure Project and as this is the basis on which the application was made and has been assessed.

25 **Regulatory Condition:** In relation to the Public Rights Of Way 1757 and 1824_1, the following shall apply:

- The PROW shall be kept clear and unobstructed at all times throughout the construction and operational phases of the development hereby permitted, and a useable width of 2 metres shall be available at all times for lawful footpath users
- Adequate visibility splays must be available and maintained at all times, where the internal road crosses Public Footpath 1757 and 1824_1
- Signs must be erected on the service road at either side of the junction with Footpath 1757 and 1824_1advising drivers of all vehicles of the presence of the public right of way (PROW) and of the requirement to give way to the public using the PROW
- The surface of the public footpath must not be adversely affected by the service road and this must not present a trip hazard or other obstacle to users of the footpath. The Applicant must make good any damage or undertake any remediation as required by the PROW Team
- Should any trenching be necessary for the laying of underground utilities, such as electrical cables, through a PROW, this would require the consent of the PROW Team. It is a criminal offence to disturb the surface of a PROW without such consent
- Perimeter fencing of the site alongside the PROW must not encroach the width of the PROW. A minimum width of 3m is suggested to be appropriate to ensure that the use of the PROW is not negatively impacted by the development (please note that this is a minimum requirement). Any side and overhead vegetation should be regularly cut back to ensure that encroachment does not occur with summer growth.

Reason: To retain the right of access for users of the Public Right of Way, in accordance with Policy 40 of the Horsham District Planning Framework (2015).

26 **Regulatory Condition:** No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence WML-OR136.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

27 **Regulatory Condition:** The applicant shall at all times adhere to the required working restrictions and on-site mitigation measures, including the requirement for some works to be timed to avoid sensitive periods (relating to any areas of potential hibernation habitat), fencing and trapping of newts within 250m of ponds and the use of capture methods at suitable habitat features to reduce risks to newts (see p.9-10) prior to development, and in accordance with the 'GCN Mitigation Principles'.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.